Tuesday, 28 October 1997

The SPEAKER (Hon. S. J. Plowman) took the chair at 2.05 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Auditor-General: independence

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the fact that the big winners from the government's proposed changes to the Audit Act are the large accountancy firms such as Coopers and Lybrand, Ernst and Young and KPMG, which are all very large donors to the Liberal Party.

Honourable members interjecting.

Mr BRUMBY — Very large donors to the Liberal Party!

Honourable members interjecting.

Mr BRUMBY — They give a lot of money to the Liberal Party, Victor; you do not think they are compromised?

Honourable members interjecting.

The SPEAKER — Order! I ask government members to contain themselves.

Mr BRUMBY — All of those firms, which are major donors to the Liberal Party — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Ripon.

Mr BRUMBY — Given the Premier's plan to amend the Audit Act and effectively to privatise the audit function, will he guarantee that accountancy firms that donate large amounts of money to political parties will be disqualified from tendering for government audits handed out by Audit Victoria?

Mr KENNETT (Premier) — One always thinks that members of the Labor Party could not slump any further in the quality of their questions. This has to be absolutely inane from three points of view. Firstly, the government does not appoint any of the auditors. That is done independently by the Auditor-General, and he makes the decisions as to whom he appoints. The government has absolutely no role in it whatsoever. Secondly, the Auditor-General currently tenders out about 75 per cent of his work, which is already going out to the private sector, not just to the three firms that the Leader of the Opposition mentioned but to the rest of the top six and a range of much smaller firms as well. Thirdly, the Leader of the Opposition should realise that, given the public discussions that have taken place — —

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question.

Mr KENNETT — Even as the Leader of the Opposition anticipates the bill that will be introduced later today for second reading on Thursday, he probably assumes, and maybe correctly, that there will be a unit called Audit Victoria, which will comprise people of the current Auditor-General's office and which will be run by an independent board established under the criteria of the two accounting associations that currently exist. I can say only that the government will not be appointing the auditors that will be used.

Let me finish on this comment: it cannot come as a surprise to the ALP that no industry wants to donate to that rabble on the other side. Industries do not want to donate because everyone who is successful in this town individually or — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition will cease interjecting across the table. Instead of asking supplementary questions across the table, he will be given the next call from his side.

Mr KENNETT — Anyone who is successful in private enterprise is a natural enemy of the ALP and the Leader of the Opposition and his three colleagues who form the so-called leadership group. They hate success. They use this place and other places to malign both individuals and organisations. I would be very surprised if any commercial operation gave one dollar to the Labor Party going into the next election, not only because of opposition members' entrenched hatred of success but because the Labor Party has no policies whatsoever and does not even represent a unified force to the community

at large. I am sure the existing arrangements that have been in place will continue into the future.

Workcover: injury categories

Mr LEAN (Carrum) — Will the Premier inform the house of the offer he put to the trade union leadership yesterday regarding the current Workcover dispute?

Mr KENNETT (Premier) — As the house is probably aware, I had a call last Wednesday night from Leigh Hubbard, which he followed up on Thursday morning, requesting a meeting with the government over the proposed workers compensation changes. I agreed to see him and four of his colleagues almost immediately, and met with them on Thursday at lunchtime. It was an amicable meeting. He put forward to me a number of concerns of the Trades Hall Council on behalf its union members. At that stage Mr Hubbard did not offer any solution or preferred position but simply raised the issues of concern. I took them on board. I offered him no guarantees. I said the government would consider his concerns and get back to him as soon as possible. I consulted with my colleague the Minister for Finance in another place and we met with the — —

Mr Micallef — Did you read the polls as well?

Mr KENNETT — We have never had to worry about the polls. I met with the Trades Hall Council leadership again yesterday. I shall outline the council's concerns and the government's response because it is important, particularly given the potential industrial action tomorrow. The Trades Hall Council was concerned with the retrospectivity in the legislation that would perhaps have the effect of people who are currently receiving weekly benefits having those benefits lowered.

Mr Brumby interjected.

Mr KENNETT — Do you want to listen to the answer, or aren't you interested? The government has accepted that retrospectivity should be removed, and it has done that. Its offer to the Trades Hall Council was that all those who are currently on average weekly earnings would continue to receive those earnings for as long as they require — that is, before they return to employment or, if they are seriously injured, potentially for the rest of their lives. Therefore, we are grandfathering all those provisions.

The Trades Hall Council was also concerned that the availability of the maximum lump sum payment of $300 000 cutting into the 100 per cent of impaired disability was too late into the process. Along with the Minister for Finance, I have reconsidered the government's position, and I think it is a fair submission to make. We have now made the $300 000 lump sum payable from 80 per cent impairment and we have made the $175 000 lump sum available on 70 per cent impairment. This is in addition to all the medical and other assistance given to people.

The Trades Hall Council also asked the government to consider a single weekly benefit. As honourable members will know, at present there are three levels of disabililty — 90 per cent, 75 per cent and 60 per cent, depending on the scale of injury. The proposal was to reduce the scale to two — that is, more seriously injured on 75 per cent and less seriously injured on 60 per cent. We have decided to stick with that, because if we move to what the trade union movement wants — that is, 80 per cent for all injuries — there is no incentive for people to return to work, whereas the current scale provides that. I made the offer to the union movement that the government would lift the higher scale from 75 per cent to 80 per cent.

The Trades Hall Council asked the government to consider whether there would be an appeal process before the medical panels, which is obviously removed if common law does not remain. Common law will not remain, therefore there is no legal avenue to compete and have a review. But I indicated that I would be prepared to take on board and examine the Western Australian system under which, if substantial new evidence comes to light, the convenor may submit that material and reconvene the board to consider a reassessment of the average weekly earnings.

The last point about which the Trades Hall Council was concerned was that with the removal of common law there would not be enough deterrent on employers to make sure they maintained a safe workplace. The government has lifted the proposed penalties by more than 500 per cent, from $40 000 to $250 000. I put that to Mr Hubbard and his colleagues yesterday and they took it on board. I think they were surprised that the government was prepared to take on board some of their concerns for consideration. They then left the room.

Today the Trades Hall Council has come back rejecting the government's offer.

Honourable members interjecting.

The SPEAKER — Order! I appeal to the Leader of the Opposition to cease interjecting across the table. If he wishes to ask another question, I believe it is his turn next.

Mr KENNETT — The trade union movement has decided today not to accept the offer. I have therefore decided that the government has acted in good faith based on commonsense to protect and enhance the position of both workers who are currently proved to be injured and those who may be injured in the future. What I have said to Mr Hubbard this afternoon — as I said we met quickly and in good faith — is that in light of that the government will continue to honour its commitment in respect of removing the retrospectivity clause; I believe that is incorrect and flawed. The grandfather clause will remain, but all the other offers the government made that would have provided substantial additional benefits to the workers will now be withdrawn.

Honourable members interjecting.

The SPEAKER — Order! I do not wish to ask the Leader of the Opposition again to cease interjecting across the table. He will leave me no alternative if he does so, and he knows what that alternative is.

Mr KENNETT — The Trades Hall Council found the entire proposal the government put forward to be unacceptable and rejected it. If it rejects it, there is no other proposal left on the table. But the government is leaving in place the grandfather clause because it does not like retrospectivity. The trade union movement's rejection of the offer will cost its membership dearly, both in terms of the increased benefits — —

Mr Batchelor interjected.

Mr KENNETT — The honourable member for Thomastown says by interjection that we hate injured workers. The government was actually prepared, after negotiation with Mr Hubbard and his crew, to put in place a new offer that substantially improved the position of not only those who are currently hurt but also those who may potentially be hurt in the future. However, in its usual stubborn way, the Trades Hall Council has rejected the offer because it wants to make a political point. If they do not want the benefits, the community should not have to pay. I make this final point. Tomorrow the Trades Hall Council is going to hold a demonstration, I suspect, because it did not have the flexibility of the government in addressing its concerns. The government met with trades hall quickly and was prepared to come back with a range of options that were a substantial improvement on anything else offered, and trades hall rejected it. It rejected it at a time when job opportunities are being lost in this state.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition!

Mr KENNETT — Only two groups are to be blamed — —

Honourable members interjecting.

The SPEAKER — Order! I make it very clear. I will not warn the Leader of the Opposition again. I will name him forthwith if he continues to interject across the table. I could not make it clearer.

Mr KENNETT — Only two groups can be held responsible by the public: one is the Trades Hall Council and its leadership and the other is the ALP that mindlessly supports it and mindlessly supports the industrial reaction tomorrow.

Mr Loney interjected.

Mr KENNETT — That is your problem. The ALP has no policy. It mindlessly supports Trades Hall Council and works against the interests of every Victorian, whether employed or unemployed and seeking work. The ALP has done nothing in five years to generate any respect from the people of Victoria.

Auditor-General: independence

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to his so-called compromise on his plan to nobble the Auditor-General, a compromise described as 'window-dressing' in today's *Age* editorial.

Honourable members interjecting.

Mr BRUMBY — The *Age* editorial also noted, as did the *Herald Sun*, that history will record the names of those who allow this travesty to occur. Will

the Premier now confirm which minister will have ultimate responsibility for Audit Victoria? Will it be the Premier himself or will it be his failed Minister for Finance?

Mr KENNETT (Premier) — The opposition has had a week off to think up some telling questions. And it went yet again to the ALP bible, the *Age* and its editorial. I do not know what the opposition does when Parliament is not sitting. I do not know why it does not do some work. Why does it always have to rely on the newspaper of the day to frame its questions? I say to the Leader of the Opposition and to the *Age*, 'Wait until you see the legislation'. The *Age* today in an extraordinary editorial has — —

Mr Thwaites interjected.

Mr KENNETT — I guarantee my troops have more support for their leader than your troops have for their leader!

Honourable members interjecting.

The SPEAKER — Order! I would like some support from my troops around the Parliament, and some order!

Mr KENNETT — I know why the leadership of the ALP has to rely on the *Age* for question time. The four of them spend every week the house does not sit saying, 'I'm after you, Eddie. I'm after you, Tony'. And George, you are in trouble, too. You know that.

The SPEAKER — Order! I ask the Premier to address the Chair. His addressing individual members does not help question time at all.

Mr KENNETT — They are the Dirty Dozen. And the honourable member for Geelong North is not a happy man. We have your number.

Mr Seitz — You saw how united we are.

The SPEAKER — Order! The Premier, on the question!

Mr KENNETT — Mr Speaker, I do not know if you heard that. Say it again, George

Mr Seitz — You saw how united we are.

The SPEAKER — Order! The honourable member for Keilor normally behaves himself. I ask him to do so again today. The Premier, on the question.

Mr KENNETT — I suggest the Leader of the Opposition wait until Thursday when the second-reading speech is made and when he will see the bill. I know he will be disappointed. It is not nearly as he would have presented it. The *Age* will probably be terribly disappointed, because it has been building up a head of steam for a while.

Mr Seitz — What about the Auditor-General?

Mr KENNETT — He will wait until Thursday to see the bill and make his own independent assessment.

Mr Bracks — You should talk to him at least.

Mr KENNETT — What makes you think I have not? The honourable member for Williamstown — —

The SPEAKER — Order! Honourable members might notice that there is a group of schoolchildren and other constituents in the gallery. They must wonder what sort of Parliament they have with such appalling behaviour. I ask all members to consider their responsibilities in the chamber. Let us have a bit of decorum during question time.

Mr KENNETT — The honourable member for Williamstown is wrong in the assertion behind his interjection. I suggest you all wait until you see the legislation on Thursday. Even the opposition will rise as one, as we did in the party room today, to support it!

Mr Seitz — How did you like Canberra the other day, Jeffrey?

The SPEAKER — Order! Are there any other comments from the honourable member for Keilor? If there are, I will name him. He is on his last chance.

Stock market: downturn

Ms McCALL (Frankston) — Will the Premier inform the house of the implications of the current downturn in the stock market in Australia and overseas.

The SPEAKER — Order! That is an extraordinarily broad question. I suggest the honourable member rephrase her question in relation to Victoria.

Ms McCALL — Will the Premier inform the house of the implications for Victoria, in particular,

of the current downturn in the stock market in Australia and overseas?

Mr KENNETT (Premier) — The house may be aware that when the Treasurer two weeks ago reported the state's very good surplus on current expenditure, there were calls by a number of people — the media, the opposition, some economists and others — for reductions in taxes and so on.

The government has always been very prudent in the way it has managed the public's finances. We believe that is our first responsibility and we have always tried to make sure that we have a buffer against there being either corrections in the marketplace or unforeseen events that might put the budget at risk.

The current correction, if that is what it is — it may be something more severe, I am not sure — will certainly have an effect on the Victorian budget in the return the government gets from its investments through organisations such as Workcover, the TAC and so on, or through some of the superannuation funds that have investments spread between equities, property and so on. It is important for the house to understand that this only reinforces the need for the country to make some fundamental changes in its taxation and industrial relations policies. Australia will always bear a heavier degree of correction from world activity if its own house is not properly in order.

What is happening at the moment, apart from the direct impact it may have on the budget, may affect exports from the state. Although the Australian dollar has fallen it is true to say that the currencies in many of the countries with which we trade have fallen as much, if not more, and in the agricultural sector two-thirds of all live cattle exports have been cancelled. There are areas in education where we will suffer — we are suffering now, but it could be worse — and there will be other areas of exports in which we may be affected quite substantially.

The budget will be hit at two levels: firstly, from a reduction in economic activity, and secondly, from a reduction in the ability to earn a reasonable return on our equity investments. Regardless of what side of the house honourable members are on that should focus their minds to as quickly as possible, and it is hoped on a bipartisan basis, address some of the great changes required to ensure Victoria is competitive into the 21st century. I suggest that that also should happen at a federal level. It does in some other countries, and it works very much to their ongoing benefit.

The current correction is obviously severe and we will all pay a price. The only thing that is not sure at this stage is the quantum of that price. The only way we can reduce the impact in the future is by making some generational changes to the systems that currently dictate Australian life.

Crown Casino: licence conditions

Mr BRUMBY (Leader of the Opposition) — In light of the agreement between Crown Casino and the Victorian Casino and Gaming Authority that requires Crown to maintain a maximum 60 per cent ratio of liabilities to the sum of its liabilities and shareholder funds or otherwise be in breach of its licence conditions, will the Premier guarantee to the house today that the agreement will be adhered to to the letter of the law and that he will not interfere by doing further deals to support his mates in trouble at the casino?

Mr KENNETT (Premier) — I suppose it only reinforces what I said earlier. Here is an organisation that employs about 7000 people, many of whom are young people who have never had jobs before. Ever since it decided that we were going to have a casino in this state, and once the tender was awarded, the ALP has been absolutely opposed to the casino and to everyone employed by it. This whole issue was a very major test at the last election. Overwhelmingly the public said that the ALP and its denigration of those who seek to provide employment were unacceptable. The ALP failed to make any inroads into its electoral popularity.

Honourable members interjecting.

Mr Hulls interjected.

The SPEAKER — Order! The honourable member for Niddrie will note that the question has been asked by the Leader of the Opposition. The Leader of the Opposition on a point of order.

Mr Brumby — On a point of order, Mr Speaker, I ask to you ensure that the Premier relates his answer to the question that has been asked. The question was very specific, and I ask you to make sure he answers it. Will the Premier adhere to the law, will he enforce the law — —

The SPEAKER — Order! A point of order is not an opportunity to rephrase or repeat the question. There is no point of order.

Mr KENNETT — I feel very sorry for the Leader of the Opposition because he actually goes through life literally hating living, and opposing those in this state who provide jobs.

Mr Brumby interjected.

The SPEAKER — Order! In anticipation of the point of order, I uphold what the Leader of the Opposition was about to say, and I ask the Premier to come back to the question.

Mr KENNETT — As the Leader of the Opposition would know, the relationship between any of the bodies involved in gaming and the gaming authority is an independent relationship. It has nothing whatsoever to do with government.

Mr Brumby interjected.

Mr KENNETT — Do you want the answer or are you going to continue to interject?

Questions interrupted.

NAMING OF MEMBER

The SPEAKER — Order! I name the Leader of the Opposition, Mr Brumby, and I ask the Leader of the House to move the appropriate motion.

Mr GUDE (Minister for Education) — I move:

That the honourable member for Broadmeadows, Mr Brumby, be suspended from the service of the house.

The SPEAKER — Order! Before putting the question I appeal to the Leader of the Opposition, who is one of the most senior members in this place, to set an example and assist the Chair. Will he apologise to the Chair and not continue to interject across the table? The Chair does not want to see the Leader of the Opposition go out of the house, but if he will not apologise he must go.

Mr Brumby — I am happy to apologise to the Chair. It is an emotional issue and I thank you for your tolerance.

Mr Hulls interjected.

The SPEAKER — Order! I have asked the honourable member for Niddrie several times to cease interjecting. If he continues I shall have to take the same action against him, and I warn him that I will not accept an apology on that occasion.

QUESTIONS WITHOUT NOTICE

Crown Casino: licence conditions

Questions resumed.

Mr KENNETT (Premier) — As I was saying in answer to the Leader of the Opposition before he interjected, the relationship between any of the gaming outlets and the gaming authority is one between that body and the authority. I am not aware of any of the matters in terms of the financial arrangements in terms of the current position today, nor if at any stage the authority came to us with a recommendation, as has been the case in the past, would I seek that we take it on board. It shows again how totally out of touch the Leader of the Opposition is with the way the authority works, and the way it works with its constituent bodies, be they gaming houses or places with electronic gaming machines.

Anthrax: northern Victoria

Mr A. F. PLOWMAN (Benambra) — Will the Minister for Agriculture and Resources advise the house of what steps the government has taken to prevent any further outbreaks of anthrax in northern Victoria?

Mr McNAMARA (Minister for Agriculture and Resources) — I point out that since the summer period — the end of March this year — we have had only a further 26 animal deaths on 9 anthrax properties. It clearly demonstrates that the disease has been contained. However, the government is concerned about Victoria facing a long, hot summer and about a recurrence of the problems we had with anthrax last year. To try to counteract that the occupiers of all properties on which anthrax occurred last season and all properties within one kilometre of an infected property have been asked to sign an agreement that they will have all their stock vaccinated before 31 October this year.

We have also required producers to vaccinate replacement or new stock within three days of arrival at their properties and to vaccinate calves

within six to eight weeks. The vaccine is provided by the department and the cost of the vaccination is subsidised by contributions from local industry.

By 31 October animals on some 235 properties will have been vaccinated and 154 letters have been sent to advise farmers of their responsibilities to meet the deadline. The letters also indicated the successful prosecution of a farmer who failed to vaccinate introduced stock, which resulted in the death of several animals from anthrax.

The department will also pay for a laboratory testing facility for anthrax. A temporary pathology unit has been established at Stanhope knackery and the procedures for dealing with dead stock, including destruction of animals and restrictions on stock movement into the area, together with other measures is well in place. Finally, additional vaccine has been stockpiled to ensure that any foreseeable problems can be handled in the future.

Crown Casino: government authority shares

Mr BRUMBY (Leader of the Opposition) — My question without notice is again to the Premier, and I hope he answers this question. I refer to the fact that government authorities including Workcover, the TAC and Vicsuper hold a total of around 23 million Crown shares while other institutional investors, including life funds, have given them a wide berth. I refer also to the fact that a share parcel of that size in Crown is now worth $40 million less than it was at the start of the year and ask: is it not a fact that the government is gambling with the assets of injured workers and injured motorists in order to prop up the share price of a company which is owned and operated by its mates?

Mr KENNETT (Premier) — This is the politics of hate, the politics of envy and the politics of jealousy. You have to go a long way in this country to find someone who has so consistently hated success — —

Mr Thwaites — It is a failure.

Mr KENNETT — You're the failure! I do not know what the equity holdings of those three organisations are, but I would guarantee that all of them hold a swag, for instance, of BHP shares; and in recent times those shares have gone from something like $18 down to $12. Why is it, therefore, that the Leader of the Opposition comes into this place with such a hypocritical argument about one stock losing money when there is a correction going on and yet does not want to mention any of the others? It is because the Leader of the Opposition and his henchmen just so hate the success of an Australian who happens to have invested a great deal of money providing thousands of jobs for Victorians in this state. It is a sad reflection — —

Mr Baker — The difference is that Parliament granted the licence.

Mr KENNETT — It is an investment.

Mr Baker — Parliament granted the licence. That is a big difference.

Mr KENNETT — And who created the licence? The Labor Party!

Mr Baker interjected.

The SPEAKER — Order! The honourable member for Sunshine will cease interjecting. If he wants to ask a question I will give him the call next time around.

Mr KENNETT — The only reason there is a casino in this state is because the Labor Party wanted one. The only reason there are gaming machines in this state is because the Labor Party wanted them. We have carried on the very good policy of Joan Kirner, and we are getting the benefit of all that extra employment. However, the Leader of the Opposition so genuinely hates success that I do not think he will ever be happy until every business has been driven out of this state by his party's absurd and absolutely inconsistent attacks.

The Labor Party stands for reduction in employment opportunities rather than growth, as the Leader of the Opposition knows. I suggest that he look at the investment records of each of the three organisations he mentioned. I do not think he will find one share among any of those listed portfolios that is higher today than it was three months ago. I can only suggest it is time the Leader of the Opposition grew up.

Fire Awareness Week

Mr PATERSON (South Barwon) — In the light of this week being Fire Awareness Week, I ask the Minister for Police and Emergency Services to inform the house of preparations for the upcoming fire season.

Mr W. D. McGRATH (Minister for Police and Emergency Services) — I thank the honourable member for South Barwon for his question, particularly as the electorate he represents is in a high fire danger area. Most Victorians would now be aware that this week has been proclaimed Fire Awareness Week with a slogan of 'Fire — Are You Prepared?'. It is very pleasing indeed to see the increase in the use of smoke detectors within residential homes in the Melbourne area. In 1991 very few houses were fitted with smoke detectors but that figure has now reached some 78 per cent. I appeal particularly to the elderly people in our community to install smoke detection systems in their homes to trigger an early alarm of an outbreak of fire.

In relation to other strategies for fire preparedness, the Minister for Conservation and Land Management and I have met with our departmental people to ensure that there is good cooperation between the Department of Natural Resources and Environment and the Country Fire Authority. As Chairman of the Emergency Management Council I have also had meetings with all the emergency service providers — police, CFA, MFB, SES and other government agencies — to make sure that everything is in readiness for what could be a very serious fire season ahead.

It is interesting to note that about one-sixth of Victoria has recorded the lowest 12-monthly rainfall on record between 6 October last year and the end of September 1997. The area affected encompasses about 70 per cent of Victoria's population and extends from Geelong to the western and northern sides of Melbourne almost to Seymour and then right down through Gippsland as far as Bairnsdale and down to Sale. Rainfall across half of Victoria has been below average this year. I hasten to add that even though — —

Mr Batchelor interjected.

Mr W. D. McGRATH — The honourable member for Thomastown interjects saying that this question is a waste of question time. I remind the honourable member for Thomastown of what happened on Ash Wednesday in 1983. Of course, he would not understand the seriousness of the situation.

Even though it has been very dry across Melbourne, the Treasurer has assured me that there adequate supplies of water to service metropolitan Melbourne and that Victoria will not therefore be facing water restrictions. That is very pleasing, but considering the tinder dry state of the environment I appeal to everybody to ensure that they put in place fire preparedness and fire prevention strategies that will assist our emergency services if they do have to combat a serious outbreak of fire.

The Dandenong fires of 20 and 21 January could be considered a practice run for what may occur in the future. Fortunately we came out of the exercise very well, thanks to the efforts of our emergency services. At different times this year, either through the accidental lighting of fires, carelessness or stupidity, Victoria could face a serious fire outbreak.

The people of Victoria should take on board the messages from Fire Awareness Week and be prepared, as the fire season approaches, to help our emergency services implement fire prevention strategies and carry out fire prevention methods that will limit the loss of property and people. By working together we will bring about a very effective outcome and fulfil the message of Fire Awareness Week: Fire — Are you prepared?

Crown Casino: Workcover Authority shares

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to the fact that all the major institutional investors, including Colonial Mutual and National Mutual, have dumped their shareholdings in Crown Casino, but that the Victorian Workcover Authority continues to hold more than 8 million shares. Prior to today a parcel of shares that size was worth $13 million to $14 million less than it was worth at the beginning of the year. Given those facts will the government now accept responsibility for the authority's investment losses and will the Premier fix the problem by sacking the incompetent minister responsible for Workcover in another place and the board and do what needs to be done instead of attacking the rights of injured workers?

Honourable members interjecting.

The SPEAKER — Order! I do not want to warn the honourable member for Mordialloc again; he is excessively noisy.

Mr KENNETT (Premier) — I well remember at the start of this parliamentary session that the priority was to be jobs, jobs and jobs and regional Victoria, but all we have heard today is a diatribe of accusations and abuse that continues months of misplaced priorities by the opposition as it flounders

to prove its irrelevance. The investment policies of all government bodies are made independent of government. I have no idea, nor does the government, what those organisations decide to invest in or when they decide to exit. The Leader of the Opposition knows that and is again declaring his absolute ignorance of the way the government and the Victorian Workcover Authority work.

PARLIAMENTARY SECRETARY FOR PLANNING AND LOCAL GOVERNMENT

Mrs TEHAN (Minister for Conservation and Land Management) (*By leave*) — On Thursday, 16 October the Leader of the Opposition asked a question without notice regarding the involvement of the member for Koonung Province in another place in the Urban Villages project in 1994 involving the EPA and other agencies. The answer is as follows.

I am advised by the Chairman of the Environment Protection Authority that no written consent was given by the authority to engage the member for Koonung Province as the retail consultant to the East Richmond case study for the Urban Villages project.

I am further advised that at no stage did Fisher Stewart, the consultants contracted by the EPA to carry out the East Richmond case study, seek the EPA's approval for the inclusion of the member for Koonung Province in the consultancy team following the signing of the contract for that project by the EPA and Fisher Stewart.

I am further advised that at no stage did Fisher Stewart seek the EPA's approval for the inclusion of the member for Koonung Province or any other individual member of the Fisher Stewart consultancy team under clause 7 of the contract.

PETITIONS

The Clerk — I have received the following petitions for presentation to Parliament:

Williamstown Road: City Link

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The petition of certain citizens of Australia object to the proposed development of Williamstown Road as the major thoroughfare for all traffic heading to and from City Link (caused by the proposed closure of Graham Street) and Webb Dock (caused by the increased development of the Dock). We believe that there has been insufficient consultation on this issue which has severe implications for our quality of life on residents immediately affected by these changes.

And your petitioners, as in duty bound, will ever pray.

By Mr Thwaites (439 signatures)

Natural gas: Bellarine Peninsula

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria sheweth:

that we the undersigned are deplored at the lack of progress in supplying natural gas to Portarlington, St Leonards and Indented Head.

surrounding areas such as Clifton Springs, Drysdale and Queenscliff have had this service for many years. We find this discriminatory action unacceptable.

Your petitioners therefore pray that the Premier immediately takes charge of this matter and provides Portarlington, St Leonards and Indented Head with natural gas.

And your petitioners, as in duty bound, will ever pray.

By Mr Loney (1114 signatures)

Laid on table.

Ordered that petition presented by honourable member for Albert Park be considered next day on motion of Mr THWAITES (Albert Park).

Ordered that petition presented by honourable member for Geelong North be considered next day on motion of Mr LONEY (Geelong North).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Mr RYAN (Gippsland South) presented *Alert Digest* No. 9 of 1997 on:

Mental Health (Victorian Institute of Forensic Mental Health) Bill

Law and Justice Legislation (Further Amendment) Bill

Wills Bill

Transport Acts (Amendment) Bill

Gaming Acts (Miscellaneous Amendment) Bill

State Taxation (Amendment) Bill

Crimes (Amendment) Bill

Legal Practice (Amendment) Bill

Unclaimed Moneys (Amendment) Bill

Food (Amendment) Bill

Planning and Environment (Amendment) Bill

University of Ballarat (Amendment) Bill

University Acts (Further Amendment) Bill

together with appendix.

Laid on table.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Annual report

Mr SHEEHAN (Northcote) presented report for 1996-97 together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Anti-Discrimination Tribunal — Report for the year 1996-97

Bacchus Marsh and Melton Memorial Hospital — Report for the year 1996-97

Bairnsdale Regional Health Service — Report for the year 1996-97

Beechworth Hospital — Report for the year 1996-97

Benalla and District Memorial Hospital — Report for the year 1996-97

Boort District Hospital — Report for the year 1996-97

City West Water Limited — Report for the year 1996-97

Cohuna District Hospital and Cohuna Community Nursing Home — Report for the year 1996-97

Construction Industry Long Service Leave Board (CoINVEST) — Report for the year 1996-97

Crimes Compensation Tribunal — Report for the year 1996-97

Crown Land (Reserves) Act 1978 — Section 17DA Order granting, under Section 17D, a lease on the Point Leo Foreshore

East Grampians Health Service — Report for the year 1996-97

Emerald Tourist Railway Board — Report for the year 1996-97

Emergency Services Superannuation Scheme — Report for the year 1996-97

Environment Protection Authority — Report for the year 1996-97

Financial Management Act 1994 —

Financial Operations Statement — Report for the year 1996-97

Auditor-General Report on the Government's Financial Statement 1996-97

Severally ordered to be printed.

Reports of the Minister for Health that he had received the 1996-97 Annual Reports of the —

Alexandra District Hospital

Beaufort and Skipton Health Service

Cobram District Hospital

Far East Gippsland Health and Support Service

Maffra District Hospital

Mansfield District Hospital

Nathalia District Hospital

Numurkah and District War Memorial Hospital

St Arnaud District Hospital

Tallangatta Hospital

Yarrawonga District Hospital

Yea and District Memorial Hospital

Forests (Dunstan Agreement) Act 1987 — Amending Agreement pursuant to section 6

Gas and Fuel — Report for the year 1996-97

Goulburn Valley Base Hospital — Report for the year 1996-97 (two papers)

Greyhound Racing Control Board — Report for the year 1996-97

Hospitals Superannuation Board — Report for the year 1996-97

Inglewood and Districts Health Service — Report for the year 1996-97

Intellectual Disability Review Panel — Report for the year 1996-97

Kerang and District Hospital — Report for the year 1996-97

Kyabram and District Memorial Community Hospital — Report for the year 1996-97

Latrobe Regional Hospital — Report for the year 1996-97 (two papers)

Liquor Licensing Commission — Report for the year 1996-97

Loy Yang B Power Station Pty Ltd — Report for the year 1996-97

Maldon Hospital and Community Care — Report for the year 1996-97

Manangatang and District Hospital — Report for the year 1996-97

Maryborough District Health Service — Report for the year 1996-97

Melbourne Port Corporation — Report for the period ended 30 June 1997 (two papers)

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 1997 and Summary of Variations Notified between 22 May and 30 September 1997 — Ordered to be printed

Metropolitan Fire Brigades Board — Report for the year 1996-97

McIvor Health and Community Services — Report for the year 1996-97

National Parks Act 1975 — Notices of Consent of the Minister for Conservation and Land Management to the renewal of exploration licences in relation to Chiltern Box-Ironbark National Park

Overseas Projects Corporation of Victoria — Report for the year 1996-97

Parliamentary Committees Act 1968 — Response of the Treasurer on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 1996-97 Budget Estimates and 1995-96 Budget Outcomes

Parliamentary Contributory Superannuation Fund — Report for the year 1996-97

Patriotic Funds Council — Report for the year 1996

Planning and Environment Act 1987 — Amendment No. 106 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

All Planning Schemes — No. S68

Bairnsdale (Shire) Planning Scheme — No. L62

Boroondara Planning Scheme — No. L36

Darebin Planning Scheme — No. L42

Flinders Planning Scheme — No. L160

Greater Bendigo Planning Scheme — No. L51

Greater Geelong Planning Scheme — Nos R178, R180 Part 1

Melbourne Planning Scheme — Nos L284, L286, L287

Melton Planning Scheme — No. L75 Part 1

Moreland Planning Scheme — No. L40

Pakenham Planning Scheme — No. L140

Phillip Island Planning Scheme — No. L72

Port of Melbourne Planning Scheme — No. L26

Port Phillip Planning Scheme — No. L40

Ripon Planning Scheme — No. L15

Surf Coast Planning Scheme — No. R29 Part 2

Swan Hill City Planning Scheme — No. L24

Victoria Planning Provisions — Amendment V3

Whitehorse Planning Scheme — No. L26

Police Review Commission — Report for the year 1996-97

PowerNet — Report for the year 1996-97

Premier and Cabinet Department — Report for the year 1996-97

Project Development and Construction Management Act 1994 — Orders in Council under sections 6 and 8 respectively and Statement under section 9 of reasons for making a Nomination Order

Public Service Commissioner — Report for the year 1996-97 (two papers)

Queen Victoria Women's Centre Trust — Report for the year 1996-97

Rural Finance Corporation — Report for the year 1996-97

Stamps Act 1958 — Report of exemptions and partial exemptions and refunds made pursuant to section 137R for the year 1996-97

State Trustees Limited — Report for the year 1996-97

Statutory Rules under the following Acts:

Intellectually Disabled Persons' Services Act 1986 — S.R. No. 106

Tobacco Act 1987 — S.R. No. 105

Swan Hill District Hospital — Report for the year 1996-97

Transport Accident Commission — Report for the year 1996-97

Tricontinental Holdings Limited — Report for the year 1996

Victoria Legal Aid — Report for the year 1996-97

Victorian Broiler Industry Negotiation Committee — Report for the year 1996-97

Victorian Channels Authority — Report for the year 1996-97

Victorian Dairy Industry Authority — Report for the year 1996-97

Victorian Electoral Commission — Report for the year 1996-97

Victorian Financial Institutions Commission — Report for the year 1996-97

Victorian Institute of Forensic Medicine — Report for the year 1996-97

Victorian Managed Insurance Authority — Report for the period ended 30 June 1997

Victorian Meat Authority — Report for the year 1996-97

Victorian Relief Committee — Report for the year 1996-97

Wangaratta District Base Hospital — Report for the year 1996-97

Western Highlands Health Service — Report for the year 1996-97

Wodonga District Hospital — Report for the year 1996-97

Wycheproof and District Health Service — Report for the year 1996-97

Young Farmers' Finance Council — Report for the year 1996-97

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 14 May 1996:

Gaming Acts (Further Amendment) Act 1997 — Section 9 on 1 November 1997 (*Gazette No. G42, 23 October 1997*)

Mineral Resources Development Act 1990 — Section 126(5) on 1 November 1997 (*Gazette No. G42, 23 October 1997*).

ROYAL ASSENT

Message read advising royal assent to:

21 October

Construction Industry Long Service Leave Bill

Drugs, Poisons and Controlled Substances (Amendment) Bill

Electricity Industry (Further Miscellaneous Amendment) Bill

Melbourne and Olympic Parks (Amendment) Bill

28 October

Associations Incorporation (Amendment) Bill

Veterinary Practice Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Planning and Environment (Amendment) Bill

Unclaimed Moneys (Amendment) Bill.

ANNUAL FINANCIAL STATEMENT, 1996–97

Mr STOCKDALE (Treasurer) — By leave, I move:

That this house authorise and require Mr Speaker to permit forthwith the Honourable the Treasurer to make a statement not exceeding 10 minutes, followed by a statement of up to 10 minutes from a member of the opposition, on the annual financial statement for the year 1996-97.

Motion agreed to.

Mr STOCKDALE (Treasurer) — The tabling of the annual financial statement for 1996-97 represents a major advance in financial reporting by the Victorian government and for the Victorian public sector as a whole. For the first time the state's accounts have been presented to Parliament and the community in a manner consistent with best practice in the private sector. The statement incorporates Victoria's first ever set of audited whole-of-government accounts prepared on an accruals basis. In years to come this will annually provide high-quality information about the financial health of the Victorian public sector and about the sustainability of current government policies.

The consolidated whole-of-government accounts include the entirety of the state's public sector. They cover the general government sector, public trading enterprises and public financial institutions — all entities for which the taxpayers of Victoria are ultimately responsible. In particular the annual financial statement includes a consolidated statement of financial position as at 30 June 1997. It is roughly the equivalent of a balance sheet showing the state's liabilities and net assets, a consolidated operating statement for the year ended 30 June 1997 and a consolidated statement of cash flows for the year 1996-97.

The statements have been tabled today together with the traditional budget sector accounts and the uniform presentation framework data, the results of which have already been announced to Parliament. The annual financial statement has been audited by the Auditor-General, whose report forms part of the documents tabled today.

The statement shows that as at 30 June 1997 Victoria's public sector had total assets worth $71.4 billion and total liabilities of $50.6 billion, resulting in net assets of $20.8 billion. The $71.4 billion in assets includes $20.5 billion in land and buildings; $18.9 billion in plant and equipment; $12.1 billion in roads; and $10.9 billion in investments. Our most significant liabilities as a state were $19 billion in non-current borrowings and $14.7 billion in superannuation liabilities.

The tabling of the documents today represents the culmination of a range of major reforms over a number of years that have aimed to increase the transparency of financial reporting and resource management decisions in the Victorian public sector. In particular the Victorian Commission of Audit when it reported in 1993 recommended that consolidated whole-of-government accounts be prepared.

Since then we have seen the progressive introduction of accrual accounting into government departments; expanding and updating of the financial skills of accounting and management staff; establishment of new valuation policies to obtain consistent and comprehensive dollar valuations of assets, including items not previously given valuations such as schools, roads, buildings, forests and museum and other heritage collections; the installation of new financial computer applications; and the publishing of trial consolidations of the accrual financial statements.

The effect of this new era in financial reporting will be that the Victorian community will be given a clearer appreciation of the sustainability of government budgetary policies. The introduction of accrual accounting means that the full effect of those government policies will appear in the financial accounts when decisions and commitments are

made rather than when cash changes hands. For example, items such as depreciation, increases in unfunded superannuation liabilities and other employee entitlements are all included as accruing expenses in the accrual operating statement, providing maximum transparency as to the long-term impact of government decisions.

The consolidated operating statement shows a $1.68 billion operating surplus for the whole of the public sector for 1996-97, and a $1.37 billion operating surplus for the general government sector. These figures reflect the long-term sustainability of the government's current revenue and expenditure settings. The general government operating surplus is conceptually similar to the traditional cash-based current account surplus adjusted for the effects of privatisation. Thus the positive operating surplus in part reflects the government's policy of running current account surpluses to fund capital and infrastructure spending within the budget. The operating surplus provides an indication of the sustainability of present patterns of recurrent revenue and expenditure. It does not equate to the cash-based sustainable planning surplus which the government has used for budget planning purposes in the medium and longer term.

As with the budget sector outcome for 1996-97, the accrual surplus figures need to be treated with some caution as an indicator of the state's long-term financial position. As I outlined to the house two weeks ago, the budget sector cash-based outcome for 1996-97, which is also being tabled today, indicated a higher than expected surplus net of privatisation — that is, $984 million compared with the 1996-97 budget forecast which predicted a deficit of $0.7 million. This surprisingly strong result occurred for a number of reasons, including higher than expected stamp duty receipts as a result of a strong inner city property market, the duration of which is difficult to predict, indeed even more difficult now than when our officers wrote that sentence; higher than expected tobacco franchise fee collections before the High Court decision on the validity of state franchise fees; and departmental carryover and underspending, much of which has been carried over to the 1997-98 year.

On the traditional cash-based measure, our projected sustainable planning surplus remains around $200 million for 1997-98 and the years ahead, after allowing for the tax cuts included in the 1997-98 budget. In addition, the accrual operating surplus and net asset position is partly affected by the atypically strong performance of superannuation funds in 1996-97, which reduce the state's total superannuation liabilities as well as the accruing costs of those liabilities. Given recent events it is problematical whether returns to the superannuation funds will be able to match their strong 1996-97 performance in the current financial year. Thus the information in today's annual financial statement confirms the financial health of the public sector but does need to be viewed in context particularly for the medium and long term.

Once again, Victoria is at the cutting edge of the national and, indeed, international reform process. The annual publication of a set of audited whole-of-government accrual accounts will provide a powerful stimulus for responsible economic management and an unprecedented level of information for the Victorian community to assess the financial health of their state's public sector. In future the full effects of government decisions will be increasingly transparent through their effect on total public assets and liabilities and the accrual operating balance. This is a major step forward in public accountability and brings government financial reporting into line with best commercial practice. It is also part of a wider suite of reforms which are improving the quality of information available for management and therefore the basis for management decisions.

In conclusion, I would like to acknowledge the immense contribution of the Minister for Finance in the other place, the Honourable Roger Hallam, in oversighting this major reform through the Treasury. The major credit for this innovation and the production of this document goes to Mr Hallam, and I am sure everyone in the House would agree that this is a reform which is long overdue in Australian government. I commend the document to the house.

Mr BRACKS (Williamstown) — Firstly, I thank the Treasurer for the opportunity to reply to the annual financial statement in this form and congratulate the government on this first attempt at permanent whole-of-government reporting, accrual-based accounting, representing the state's assets and liabilities and not having the artificial government distinction of a cash account and a capital account. That is welcome and it is something that both the previous Labor government and the present government have worked towards. In fact, accounting standards across the country will require all governments to do this in the next couple of years, so it is certainly welcome from that point of view.

I do not want to be too glowing in welcoming this move, however. I thought this had slipped off the earth because the last trial consolidated financial report that was presented was in 1994-95. It has taken several years at a time when the asset base of the state has reduced significantly to produce the next one. A large number of asset sales have taken place on which there should be a proper reporting arrangement. The expectation was that there would be a quick follow on from the 1994-95 consolidated account — that is, the trial account. While not underscoring the immensity of the task — I understand how big it is, and this is not the end — it is surprising to the opposition that it has taken so long to get to this point. I say it is not the end because of the other report which was tabled today — I have not yet had a chance of looking at it in much detail — the *Report of the Auditor-General on the Government's Annual Financial Statement, 1996-97*. The Auditor-General says the task is not complete. He reflects on the budget papers and, in part, his comments go to this financial statement as well. At page 8 of his report he states:

> Given that considerable work remains to be undertaken in regard to the development of robust output specifications and associated performance indicators, it is difficult to undertake a comprehensive and conclusive assessment of trends in the level, quality and cost efficiency of service delivery by departments, and to assess the extent to which the government is achieving one of its keys objectives, namely, the provision of high quality services at least cost to taxpayers.

One has only to look at the last budget and some of its meaningless output targets to realise that, and I referred to some of those in my reply to the budget. One example I remember quite clearly was that the level of satisfaction with regard to major events in the Premier's department was the Premier's own personal satisfaction — an absolutely meaningless output. I am not surprised that the Auditor-General says a lot of work remains to be done, that this is only the start and that at this stage the budget is not a coherent document from which outputs can be assessed.

Another feature of the financial statement is that it confirms that the budget is in a healthy position, and I am not overstating that. I am fully aware that the events of today will have an impact on the budget. One's comments must be tempered based on the future of the stock market and the investments the public authorities have in it. Nevertheless, the dishonesty in forecasts, which has been the persistent feature of this government for five years has continued, and that should be noted. One has only to think back to the 1996–97 budget in which the Treasurer planned for a $0.7 million deficit. This statement shows that after capital spending there is a surplus of just under a $1 billion. Things do not change that much to have a $1 billion turnaround. Clearly, as he has done for the past five years, the Treasurer underestimated revenue, underspent on outlays and underspent on capital.

These accounts show, for example, that at the end of the financial year $366 million, which should have been spent on key services in education and health, was not spent. It is not as though we do not need the services. One has to say that that is mismanagement. Firstly, the minimal budget applied to those services was not spent and, secondly, some $281 million of infrastructure spending that was budgeted for from the public purse was not spent. The underspending on capital over the past five years totals $1 billion. That is a big sum. What could we have achieved in Victoria with a $1 billion investment in the public sector, as was budgeted for? Thirdly — as honourable members know, Mr Des Moore from the Institute of Private Enterprise comments on this quite regularly — the Treasurer is once again using the old trick of understating the revenue. There is $240 million more in revenue than was budgeted for. Taxes, fees and fines collected $8.4 billion more than was expected.

One could imagine one figure being wrong or a little bit higher, but on all counts this estimation continues to be wrong. The Treasurer wants us to think that somehow the sky over Victoria is falling in and that there is a crisis; and when there is no crisis he wants us to stand up and applaud. He has budgeted for a crisis but there has never been one in the past five years. He should have admitted it was time to give something back. That would have been consistent with what the most recent quarterly report of the Treasury Corporation of Victoria has shown in regard to trends in economic activity. For example, for the first time in two years Victoria had -0.4 per cent employment growth — so employment went backwards in the last reported quarter. That is not a good statistic. For 14 consecutive months unemployment has stood at 9 per cent or more in this state. The figure for country Victoria has been 10.5 per cent, which is the highest of any state in mainland Australia. In the past 12 months alone 21 000 manufacturing jobs have been lost in Victoria.

The surplus is reported to be $1 billion. Even after the Treasurer's own sustained planning surplus,

which takes into account one-off revenues, there is still a surplus of $600 million. One would think it was time for a mini-budget to reallocate spending — not look at new spending — and to make cuts to the senior executive service. The opposition believes several hundred million dollars could be saved through cuts to the senior executive service in this state. The ratio is well out of kilter with the situation the government inherited in 1992. Some consideration should have been given to cutting and reordering spending. Even spending the budget would help: if the Treasurer had spent his capital budget he would have injected $1 billion into the Victorian economy over the past five years, which would have stimulated and generated much more employment growth.

The picture is not all rosy. The Treasurer thinks that somehow mysteriously the invisible hand will repair the problem in Victoria and that employment growth will be achieved. The figures do not show it and there is some need for government intervention and action.

Honourable members should note that in the financial statement the Treasurer presented today, he also presented his own slush fund — the Treasurer's advance. The repeated mistakes of previous years are being made again in the Treasurer's advance. This represents an unaccountable, retrospective view of spending that is not budgeted for. The Financial Management Act states that the Treasurer's advance is supposed to be for urgent works — that is, things one cannot foresee, such as salary and wage increases, a break-out of anthrax and other things that cannot be predicted. Why, then, for the second year in a row has the grand prix corporation taken from the Treasurer's advance $8.037 million? This is anticipated expenditure. The Treasurer cannot tell Parliament that it was not possible to predict the outcome of the grand prix. The amount comprises approximately $2.7 million on operating expenditure and $5.3 million on capital. How can you not predict capital spending? The Treasurer's advance is supposed to be used for urgent works but it is being used as a slush fund.

The Melbourne Major Events Committee has also put its hand in the Treasurer's pocket. Is it not possible to predict the budget of the committee? Why does it have to dip into the Treasurer's advance. Why has it taken $371 000 from the Treasurer's advance?

BUSINESS OF THE HOUSE

Program

Mr GUDE (Minister for Education) — I move:

That, pursuant to sessional order no. 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 30 October 1997:

Mental Health (Victorian Institute of Forensic Mental Health) Bill

Crimes (Amendment) Bill

Wills Bill

Law and Justice Legislation (Further Amendment) Bill

Transport Acts (Amendment) Bill

State Taxation (Amendment) Bill

Motion agreed to.

TRANSPORT ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 9 October; motion of Mr COOPER (Minister for Transport).

The DEPUTY SPEAKER — Order! Before calling the honourable member for Thomastown, I inform the house that I am of the opinion that the second reading of this bill requires to be carried by an absolute majority.

Mr BATCHELOR (Thomastown) — The introduction of this bill demonstrates the difficulties the government is encountering in the transport portfolio. It is best summarised by saying that the government is drowning and not just waving and floundering. It has more than one difficulty in transport, and that is typified by the bill before the house.

This is a small omnibus bill of cobbled-together bits and pieces dealing with a variety of unconnected transport issues. It comes at a time when major transport issues confronting the public should be the subjects of debate and discussion in this house; at a time when the government is completely incapable of resolving such issues as the automatic ticketing system; at a time when the government is committing large amounts of money towards the Exhibition Street extension, which is partly dealt

with in this bill; and at a time when the government has a confused response to its privatisation proposals, which are being driven by Treasury outcomes rather than transport outcomes.

Instead of dealing with those issues in a substantive and up-front way, the government has introduced this bill, which does not address the important transport issues of the day. It deals with a series of other matters. Each of those are required to be brought before the house as legislative requirements, but they are not the issues of the moment. If there is to be a debate on the important transport issues of the day they must be introduced into this house by the Treasurer. That is an indictment of the problems the Department of Infrastructure faces in dealing with public transport matters.

The report of the Auditor-General on the government's annual financial statement has been tabled in the house today, and it reinforces the comments I have been making. In a very extensive report on the fiasco of automatic ticketing, the Auditor-General says the Public Transport Corporation has released Onelink from all compensation claims relating to delays in delivery under its service contract. However, although the report has been tabled in the house today, the government has chosen to debate not that specific issue but the various and disparate elements that make up this Transport Acts (Amendment) Bill. The house could have been debating in a substantive, open and up-front way the $370 million fiasco of the automatic ticketing system referred to by the Auditor-General in his report. Instead, the house must debate a whole raft of separate and disparate issues that make up this bill.

The Transport Acts (Amendment) Bill deals with four separate and unconnected transport issues: the first of those relates to the reregulation of the tow-truck industry. We acknowledge that the changes are important and significant, but point out that this is not the first time this government has brought matters back to Parliament to deal with tow-truck reregulation. The changes the government introduced in 1995 have not worked. Regulation of the tow-truck industry has been an abysmal failure. The government's earlier attempt has failed. This is a further attempt to bring some sense, security and honesty back into an industry that has, over time, been subject to serious allegations.

The government first attempted to deal with these issues by a process of complete deregulation, which it set in place in 1995 despite advice from the opposition. The honourable member for Morwell, who was then the Labor Party spokesperson on roads and the shadow minister, warned the government of the day that its proposed deregulation of the tow-truck industry would be an unworkable disaster. Here we have proof of the accuracy of that prediction. That is exactly what happened.

The predictions of the honourable member for Morwell when the deregulation of the tow-truck industry was first debated in this chamber have, unfortunately, come to pass, and no doubt later in this debate he will deal again with those issues and his predictions.

The second area of the bill relates to the decision of the government to extend the bus accreditation system to cover courtesy services, hire and drive services, and what might be described as non-route or private bus services. Those three categories of bus operations will now be required to comply with the accreditation system. As a consequence they will not be left out in the wilderness to decide what is an appropriate safety level.

This initiative is an important move by the government. It recognises that the attempt to change the bus safety standard requirements that operated under the then Transport Act and have them covered by the Public Transport Competition Act were deficient in the first instance, and that these additional bus services should be covered by the safety accreditation provisions of the bus accreditation system.

The third area relates to changes to Crown land reserves in central Melbourne to provide for the re-routing of the Wattle Park tramline, a necessary consequence of the Federation Square and Exhibition Street extension projects. Those projects were announced on previous occasions by the government and will have a significant impact on Melbourne's public transport — one consequence being the need to re-route the Wattle Park tramline.

Mr Maclellan — Re-route?

Mr BATCHELOR — Obviously the tram has to go somewhere. We do not support attempts to cut off public transport to the eastern suburbs. It seems from his interjection that the Minister for Planning and Local Government has some ulterior motive. Perhaps the government really did not want these tram services to continue after it put together the Federation Square and Exhibition Street extension

projects, but thought it could get away with cancelling out the tram services to the east.

Of course the opposition wants the Wattle Park tram service to continue. It will reject any and all attempts by the government to close it down. If you have any other little secrets hidden away, Minister, why not drop them all out on the table so we can have a look at them?

The fourth area concerns the repealing of three redundant acts — the South Australian and Victorian Border Railways Act, the King-street Bridge Act, and the Railways (Standardization Agreement) Act. Where necessary some of the features of those acts will be picked up and warehoused, if you like. Rather than having three acts on the statute book that for all intents and purposes have ceased to be relevant for a whole range of reasons, they will be kept alive in other ongoing acts such as the Transport Act.

Those four areas are significant. Although the opposition will not be opposing the bill it needs to place a number of concerns on the record because there is an enormous amount of public interest surrounding a number of the initiatives. I refer firstly to the reregulation of the tow-truck industry. In the past that industry had some unsavoury features. Cowboys and standover merchants were allowed a safe haven. Following the reregulating of some aspects of the industry many of those types were driven out. However, the industry is not entirely devoid of those characters and the government of the day needs to be constantly vigilant to ensure that this type of unsavoury activity is not allowed to flourish.

I understand that in anticipation of the implications of this bill some of those people have moved to Queensland where the lack of regulation allows them to flourish and to go about standing over people and rorting the system. We certainly do not want them here in Victoria.

We do not want them to be in Queensland either, but that is not in our area of responsibility; and we do not have the ability to do anything about it other than to alert our colleagues in Queensland as to what is happening and what is likely to happen and try to get the conservative government there to use some commonsense and acknowledge that there is a role for regulation in service industries.

Not only is there a role for regulation, it is very clear that unless there is some government regulation in certain areas abuse will flourish, bad elements will come into the industry and the exact opposite of what the government claimed it was setting out to achieve will arise. When there is no regulation in the industry opportunities can arise for abuse, corruption and the use of standover tactics. In completely deregulated environments where the deregulation has been driven by ideology rather than commonsense, after a very short period governments have had to acknowledge the problems and that they need to reregulate.

The honourable member for Morwell foresaw some of these very real problems and will be making a significant contribution to the debate on tow-truck reforms. Although the opposition will be prepared to accept those reforms it thinks some still do not go far enough and that the government may have to come back to look at the issue in the future.

The second area dealt with in the bill is the extension of bus accreditation. Approximately 3200 buses operate in the areas that will now be covered by the bus accreditation system. They come under a number of different categories but the ordinary person would know them as hotel courtesy buses. At the airport often one sees courtesy buses arriving to pick up international and domestic travellers to take them to the leading hotels in town as well as specialist services that come from various regions of Victoria. One would think that those two classes of buses would perform the same type of work and would be covered by the same sets of regulations, but that is not the case.

There has been a growth in the provision of courtesy services and there is a need for companies and individuals that provide those services to make sure they are covered by the minimum safety standards, as are other route bus operators. The ordinary man and woman in the street seeing those buses in operation would assume that the safety standards that apply to other forms of bus services would also apply to them. It is hard to distinguish between them.

The change also affects buses that are available on a hire-and-drive basis. Many people get together on a regular or casual basis and hire buses from car or vehicle rental companies. They expect those buses to be conveyed to them in a safe way and that the buses have been subject to the same sorts of checks and inspections as apply to other buses that carry people to and from functions and events. However, because of the way the previous system operated that has not been the case. The third class of buses

that will be caught up by the change is the class which I have described as non-route buses and which are also described as other private services.

The change will mean that buses in the three categories will be required to maintain safety standards. A quality assurance maintenance scheme or some other acceptable alternative will be required to be in place. Central to that is the concept of preventative maintenance, pre-trip inspections and an audit trail of fault reports. Such measures will lead to an enhancement of safety in the delivery of those types of bus services.

Many buses will already be operating in regimes where such safety measures are not a burden and are the sorts of things that operators would be applying themselves in a commonsense way. Operators would already be inspecting tyres for correct inflation and wear and tear before sending buses out and would be carrying out routine maintenance on their vehicles. However, we cannot be certain of that and cannot give the travelling public assurances and guarantees that the three categories of bus services I have referred to actually live up to the appropriate community and administrative expectations.

The way to deal with the issue is to place the same onus on the operators of the services concerned as applies to the operators of other bus services — that is, when someone is in a bus, whether it be a school bus, a route bus, a tour bus, a charter bus, a bus operated by a school or religious organisation, a hotel courtesy bus or even a self-drive bus, minimum standards will have been satisfied so far as road and vehicle safety are concerned.

The bill is an important initiative. The opposition supports it. It will not be without some difficulties, particularly for some community organisations when they come to understand not so much the complexities of what is required but the full extent of the obligations they will now be required to consciously, deliberately and continually undertake. That is not a bad thing, but for some community organisations it will provide some difficulties, at least in the establishment phase.

The other area that will provide difficulties, again particularly for the community sector, churches or other religious organisations and schools, will be the fact that the government has now decided to introduce an annual accreditation fee for all buses that are operating under the accreditation scheme. The annual fee will apply not just to the new categories but will extend right across the many thousands of buses that operate on Victorian roads each day.

The fee will be an impost that the commercial providers of passenger services can factor into their business operations. However, for many community organisations, private bus owners and the non-route bus service operators it will be a financial impost that will create some difficulty.

When members of the opposition asked during the briefing provided what the fee might be and how it would relate to the different sectors of bus accreditation that will come in as a result of this bill becoming law, we were told that the quantum of the fees in relation to the various categories was not known. However, we were assured there would be a graduated scale of fees; a smaller fee would apply to the community-based, non-route bus services and a correspondingly higher rate would apply to those buses used in commercial passenger services that are subject to a certain level of safety accreditation and paid for by either the customer or the government. In addition, higher standards of accreditation will not automatically apply to the three new categories, and the opposition believes that is important.

Follow-up advice from the department indicated that the Victorian Taxi Directorate administers bus licensing on behalf of the Department of Infrastructure but very few buses are subject to licences. It is anomalous that a private omnibus service — which, on the advice I am given, provides for the carriage of passengers for and in connection with activities of religious and philanthropic, educational, sporting and social bodies — must pay $150 in social fees but no annual fee. It will now be subjected to an annual fee plus the cost of making the correct administrative arrangements to put in place the technical requirements of the accreditation fee. That will mean community organisations will be charged for a system based on an annual fee rather than an up-front $150 application fee.

Although it is not specific in the advice given to me, I would expect that there would no longer be a need for the $150 application fee and that it would be covered by the ongoing annual fees. It must be recognised that not only is there a need for a graduated scale but also for a much smaller fee to be levied on community organisations than is levied on commercial operations. A sense of fairness and equity must apply. The fee is intended to cover the costs of administering the bus operator accreditation

scheme, but obviously the major portion of the costs of operating the accreditation scheme, which is already in place, should be borne by those companies that have agreed to the introduction of an annual fee. The buses of the non-commercial, religious, philanthropic, sporting and educational bodies should incur only an additional marginal cost. The additional cost to include those services in the already existing scheme should be small and should not be used to cross-subsidise the commercial operations, which obviously have a greater capacity not only to pay the fees but also to pass on the cost to their client base.

A fee will be imposed, and the opposition has been given an assurance that it will be a graduated fee. I ask the government to take into consideration the difficult financial situations of many community organisations. It cannot be assumed that they will be able to carry a heavy fee load on an annual basis.

The third area covered by this bill relates to the re-routing of the Wattle Park tram. The proposal is to have the tram route, which currently comes down Swan Street beyond Punt Road, leave its existing alignment and travel around the northern boundary of the National Tennis Centre and over the Jolimont railyards via the new bridge that will be built as part of the Exhibition Street extension. The route will continue over that bridge and turn left into Flinders Street and continue on down Flinders Street.

That change in route will not be without substantial impact on a number of different people. It will certainly advantage some people. Instead of ending at St Kilda Road, presumably the tram will travel further along Flinders Street and turn back at some other terminal to commence its return journey. That will provide an extension of services for people on the Wattle Park line; it will get them further into the heart of the city, and that will be to their advantage.

The disadvantages will be faced by a number of others. For example, this route acted as a shuttle service for major sporting events in the entertainment and sporting precincts, particularly the National Tennis Centre. The Wattle Park tram route between St Kilda Road to the tennis centre provides very good public transport access to the tennis centre and moves thousands of people in and out of the area, particularly during the Australian Open. The PTC generally does a terrific job transporting people to and from sporting events. It will still be done with the new tram route but it will not be as efficient as it has been because the shuttle service will come along Flinders Street, where it will be caught up in the traffic. When it travels along Batman Avenue from St Kilda Road down to the tennis centre it is not travelling through an area of high traffic volume. Further east along Batman Avenue there is an enormous amount of traffic pressure, but in the area between St Kilda Road and the tennis centre the opportunity exists to have an almost segregated tramline by virtue of the fact that there is little competing traffic to slow down a tram service. That will not be the case with the trams coming along Flinders Street until they are past the extension bridge and can veer off to the existing boundary between the Jolimont railyards to the north of the tennis centre. As a result the important shuttle function the current route offers between the tennis centre and the city will not be as good.

The proposed tram route will not service the southern parts of the sports and entertainment precinct because it will be further to the north and thus further away from Olympic Park, the Glasshouse and the front entrance of the National Tennis Centre. The realignment will disadvantage some patrons of that tram service, users of the sports and entertainment precinct and the people who work in the entertainment centres. It may also mean increased security problems because events at the Glasshouse often finish around midnight and patrons will have to walk through the National Tennis Centre precinct to use the tram service. Special attention will need to be given to the way patrons of sporting events at the Glasshouse get to the tramline to take advantage of the public transport facilities.

The bill also repeals three redundant acts which, as I mentioned earlier, by and large do not have any administrative function, although there are some aspects which, as I described earlier, can be warehoused in other acts.

The King-street Bridge Act contains provisions for immunity against collisions and problems that may arise with the structure of the King Street Bridge and which, rightfully so, are picked up by the Transport Act. Some of the savings provisions are still relevant and are ongoing, but the amendments will remove from the statute book three redundant acts while retaining essential elements of those acts in the Transport Act.

The King-street Bridge Act was established in 1957 to provide for the construction of the King Street Bridge which, as we all know, collapsed at one stage. I do not know whether the immunity provisions are such to cover the problems confronting Crown

Casino, which is built over the King Street Bridge. I do not think there will be protection or immunity provided in this bill for the potential financial collapse of the Crown Casino!

Although in the past the opposition has been critical of governments for introducing omnibus bills, it acknowledges the separate importance of each of the individual components of this amending bill. However, as I said at the outset, the opposition would have preferred to be debating important and significant transport issues such as the automatic ticketing system and the privatisation and fragmentation of the public transport system. When the opposition has the opportunity of debating those issues it hopes the government will come clean and tell the community the facts of those debacles. This housekeeping matter could have been dealt with earlier or later and should not be used as an opportunity to avoid debating more important public transport issues.

In conclusion, the opposition will not oppose the bill in its entirety or the individual components but asks the government to get its act together and introduce in this place without delay the more important matters relating to public transport. It should stop hiding behind the actions of the Treasurer, who takes administrative responsibility for the privatisation of public transport.

Mr ROWE (Cranbourne) — The Transport Acts (Amendment) Bill amends the Transport Act to improve the administration of the towing industry. It also amends the Transport Act and the Public Transport Competition Act to remove hire and drive buses and private buses from the licensing requirements of the Transport Act and brings them under the accreditation regime of the Public Transport Competition Act.

In the fullness of time the honourable member for Thomastown will get his wish for a full and frank debate on the issues he raises because the government has nothing to hide with public transport. The government has brought about great change in the public transport system, with the cooperation of the union movement, which found it difficult to deal with the Labor Party. Indeed, some members of the union movement still do not speak to the shadow minister because they remember the debacles brought about by the former Labor government.

As I indicated, the bill makes some administrative changes to the towing industry as a result of the far-reaching reforms made by the Transport (Tow Truck Reform) Act, which introduced a simplified towing truck licensing regime and strict character qualifications for those people who wished to carry on the business of a towing operator.

As a past member of the Victoria Police, I can attest to the thuggery and standover tactics that were rife in the Dandenong, Waverley and Springvale roads areas during the time I was a member of the force. It took this government to take certain steps to clean up the industry. This bill deals with issues raised by the industry, the police and the community.

One of the reforms introduced in the principal act was the ability for tow-truck operators or licence holders to piggyback their allocation entitlements. Instead of having one entitlement per tow truck they could take a tow truck off the road, hand the plates to Vicroads and one truck could therefore pick up two allocations. That happened on a number of occasions. Some administrative problems have arisen for the licensed operators. Because the tow-truck allocation is a valuable asset they may wish to reverse their previous decisions about putting their licences together, which will enable them to realise that asset. The bill will allow that to happen.

The introduction in 1994 of the stricter character qualification saw a mass exodus of the criminal elements in the industry. My colleague the honourable member for Frankston East tells me that most of them are now on the Gold Coast. However, those amendments did not go far enough and the bill seeks to address some anomalies. For example, the original legislation allows for disqualification of a person who is convicted of theft under the Crimes Act, yet conspiracy to commit theft is not covered. Crimes under commonwealth legislation, transport accident and Workcover fraud, and so on should be disqualifying criteria. That matter is addressed in the bill.

The Victorian Tow Truck Directorate will be given the power to suspend the licence of an accident towing driver for offences that are not covered by the existing disqualification criteria. The directorate will have the ability to better manage the industry and will be able to deal with people who fail to take warnings to heart by imposing a harsher penalty of a disqualification for a fortnight or so. Such action will tend to focus the minds of offenders because their incomes will be affected.

The bill makes another minor amendment that addresses an anomaly in the act and enables a storage agreement to be entered into at the same time as a towing agreement. Although it will be a separate agreement it will probably be on the same form. A person will be required to sign both an authority for the tow and an authority for storage at an authorised depot.

Tow-truck operators will also be able to collect storage charges when vehicles are released. A new procedure will provide for vehicle owners to receive regular notices from towing operators advising them that storage charges are accumulating on stored vehicles. The fact that owners will continue to receive such notices will ensure that people act expeditiously to safeguard their interests after being involved in accidents.

Clear evidence exists that the original legislation has given the Victorian Tow Truck Directorate the tools to direct and prosecute offenders, and that the penalties provided make acts by those who wish to flout the law an expensive exercise. The bill is an extension of the government's commitment to ensuring that road users and members of the general public are protected from those who seek to prey upon them.

The bill provides also for the relocation of the tramline along Batman Avenue as a result of works related to the Exhibition Street extension. I do not know how long it is since the honourable member for Thomastown went to the National Tennis Centre, but the other night when I went there to hear Jon Bon Jovi I walked the distance of the proposed relocation of the tramline. It will enhance the use of the entertainment facilities by allowing access directly from the centre of Melbourne.

The opposition will not support anything without a complaint or at least a kick in the ankle. It has taken the opportunity of attacking the services that will be provided by the new tramline, which is an initiative developed by the Department of Infrastructure, the Minister for Transport, the Minister for Planning and Local Government and the Minister for Roads and Ports to give people easy access to the facilities in the sports and entertainment precinct. The tramline will travel along the railway reserve, go up over the new bridge and into Flinders Street. Even the tram drivers will relish having a new track in a dedicated reserve because it will allow them to try out the performance standards of the trams in safety.

The new tramline will benefit Melbourne. The visions of the planners of Melbourne, who envisaged a direct link from the centre of the city along Exhibition, Russell and Swanston streets, will be realised by the government some 150 years after the city was planned. It again shows the government's dedication to making Victoria a better place in which to live.

The tramline will be of benefit to the patrons of facilities such as the National Tennis Centre, the Glasshouse, Olympic Park and even the MCG, which can be accessed by crossovers at the tennis centre and further down the road. The availability of access to the area by tram will assist the elderly and parents travelling with young children who wish to see the mighty Bombers win the AFL premiership in 1998. I am sure the honourable member for Tullamarine will use the new tram service on many occasions to get to the MCG to see his beloved Tigers play.

My main input on the bill has been in relation to buses. The Public Transport Competition Act requires operators of road transport services to be accredited. More than 5400 buses, including regular passenger services covering route and school services and charter and tour services are captured by the definition and therefore are required to be accredited. They must meet operator competence, service and safety standards. Other bus services, such as private, courtesy and hire-and-drive services are not included in the accreditation arrangements in the 1995 act.

Operators of such buses often cater for the same tourist market as tour and charter bus operators and it seemed reasonable that they should be covered by the same safety, quality maintenance and driver competence standards. The amendment picks up approximately 2700 private and courtesy buses operating in Victoria. The buses are typically operated for specific clientele groups, such as community groups or hotels, and are usually part of a much larger business. They are also operated by schools. Generally the buses are not available to the general public.

Another category of buses picked up by these amendments is hire-and-drive buses, about 500 of which are operating in Victoria, mainly by Hertz or Avis, although even Grenda's may hire out some of their buses on a hire-and-drive basis. In such cases a driver is not provided. I am sure operations such as Grenda's or Ventura would provide buses equal to those provided for all other services, but if one goes

to Hertz, Avis, Ace car hire or Dick Smith hire, or whoever else might hire these buses, one cannot always be sure that the buses have been maintained to the highest standard.

In many instances the buses in question do not have regular base maintenance checks and a quality assured maintenance program is not in place; and there is always the danger that the public who utilise such buses may be placed at risk. After much consultation with the industry it was decided that these buses should also be picked up by the legislation and required to meet the same exacting standards as apply to all other buses.

The bill provides for the accreditation of operators of private, courtesy and hire-and-drive buses to ensure that industry standards for vehicle safety are applied equally to all buses carrying passengers in Victoria. The bus industry participated in the development of the accreditation standards and is very supportive of bus operator accreditation, but only to the extent that it applies equally to all vehicles operating on the road and that there is a level playing field.

The bill also provides for the introduction of an annual fee to recover the costs of administration. The fees and the policy framework for the introduction of operator accreditation was developed by a working party which comprised representatives from the bus and coach industry, the former Department of Transport — which is now the Department of infrastructure — and Vicroads. The fees are designed to cover the costs of application assessment, administration audit and enforcement.

The working party unanimously agreed that the department should be adequately resourced to undertake the appropriate level of auditing and enforcement. The working party also agreed that the cost of administering the scheme should be recovered through the levying of fees. Fees for road passenger services are currently being developed and will be included in the regulatory impact statement that is being prepared in support of the public transport competition regulations.

It is likely that the fees will be structured to reflect the costs of administering the type of operation involved. For example, fees for a road passenger service — that is, a route, tour, charter or school contract — that will be required to gain accreditation to meet the full complement of industry standards covering operator competence, service and safety are expected to be higher than those for private, courtesy and hire-and-drive services that are required to meet only vehicle safety standards to gain accreditation. If the bill passes, fees for private, courtesy and hire-and-drive services will also be part of the regulatory impact statement.

The bill provides for transitional arrangements over an 18 month period for all existing operators of road transport passenger services before they need to be accredited. It also introduces the same type of transitional arrangements for other operators to give them sufficient time to comply with the accreditation requirements.

The Public Transport Act also requires that persons who drive buses must have a driver accreditation or hold a driver authority. This is similar to the taxi provisions, which provide that taxidrivers must be fit and proper persons. We cannot have people with records for assault and other serious offences — murder, rape and those types of things — driving buses. The Victorian Taxi Directorate is the authority responsible for administration of the driver certificate scheme and it will also be responsible for the proposed driver authority scheme.

The requirements to authorise drivers of passenger vehicles under the Public Transport Competition Act and the Transport Act could create some administrative difficulties. To avoid duplication the bill proposes to defer the introduction of the driver authority and to rely on the existing machinery of a driver's certificate under the Transport Act. That will remain in place until the national competition review of transport legislation considers whether a single mechanism should cover drivers of all forms of public transport.

The bill also deals with the repeal of certain statutes, which is appropriate. The first is the South Australian and Victorian Border Railways Act, which ratified an agreement between the two states in relation to the operation of connecting railways. There is no longer any corresponding South Australian act — South Australia got rid of it long ago — so there is no longer any obligation on the South Australian government. The Victorian lines no longer connect and the former connecting South Australian lines were sold off to the commonwealth long ago. The act is redundant. The King-street Bridge Act is also redundant.

Mr Batchelor interjected.

Mr ROWE — As the honourable member for Thomastown suggests, it may be falling down. It was enacted a long time ago and the act is no longer

necessary. The final act the bill will repeal is the Railways (Standardisation Agreement) Act. The act provided for the installation of the standard gauge railway line between Sydney and Melbourne, which was concluded some time ago. The only provision in the act that gives the PTC power to operate the railway is covered by powers granted to the Public Transport Corporation under the Transport Act.

This bill will continue the good administration of transport under the Minister for Transport and his predecessor. It ensures that the public of Victoria will be able to travel in confidence in buses of all sorts — hire-drive, courtesy or general route or charter buses. It will ensure that if people have a motor vehicle accident they will not be heavied into signing agreements they might otherwise not want to sign. People involved in accidents are usually under a great deal of stress. As I said previously, this government believes in protecting the rights of its citizens from those who wish to commit crimes against them or to use standover tactics in order to achieve financial gain.

Finally, the extension of Exhibition Street, that great vision of our forefathers, is being delivered by the Premier and government of Victoria for the benefit of all Victorians. It will open up the entertainment precinct and enable greater and easier access. It will complement City Link. It will also return the area along Batman Avenue to public use as parkland and open up that whole river aspect to the Federation Square project — another great project of the Victorian government. The government is giving the people of the state the benefits of good administration. I commend the bill to the house.

Mr HAMILTON (Morwell) — It was amazing that it took the honourable member for Cranbourne some 22 minutes before he became a bit passionate about the bill. I am not even quite sure he was passionate about it — he seemed more passionate about having Exhibition Street extended. I hope I live long enough to see it!

Mr Cooper — I think you might.

Mr HAMILTON — The minister must think I am in pretty good health.

Most of my comments will be about the amendments to the tow-truck regulations, which are a step in the right direction, as they are necessary and overdue. However, the bill also deals with a number of other important matters. Indeed, I was interested to hear the words of eloquence from the honourable members for Cranbourne and Thomastown about the re-routing of the Wattle Park tramline. For people like me who live in Morwell, there is no need to worry about re-routing our tram tracks — it would be nice to get one!

I wondered in those passing moments whether the government still believes Victoria ends at the tram tracks. I am absolutely wrong about that because it does not even get to the end of the tram tracks — the government thinks Victoria ends at Burwood or Brighton! The opposition is a bit concerned about comments like 'Victoria ends at the end of the tram tracks' because it does not, and I am pleased that in one section of the bill — —

Mr Perrin interjected.

Mr HAMILTON — Isn't it marvellous how the wheel turns! I can remember the Minister for Transport saying exactly the same thing when he was on the opposition side of the house. Indeed, I think the evidence is even more startling today than it was in those halcyon days of the Labor government in Victoria.

I am aware of what is happening to the train tracks in my part of the world. All sorts of rumours are floating around, including that with the impending or proposed privatisation of V/Line the rail service might be truncated even more than it is now. Honourable members will recall that in its great thrust to reform — that has now become a dirty word and is almost in the category of four-letter words — the government closed the Sale–Bairnsdale line, so that train services were chopped off at Sale. There is a great deal of concern, which every country Victorian ought to be well aware of, that the privatised rail line will not go past Traralgon, so we will be left with another vacant rail line after private operators move in. It is quite clear that the private operators are not interested in providing a public service. They are interested in providing a profit for their shareholders — indeed, with the state of the stock market today, they ought to be interested in providing a profit.

In his consideration on re-routing the tram tracks, I ask the minister to provide a guarantee that our train lines will not be truncated.

Mr Cooper interjected.

Mr HAMILTON — The minister does not like talking about country Victoria, because if something is outside Melbourne, he is not interested.

Mr Cooper — On a point of order, Mr Acting Speaker, I direct your attention to the fact that the honourable member for Morwell has now strayed well away from the bill. The bill has nothing to do with the privatisation of rail lines and certainly nothing to do with the rumour the honourable member is now attempting to start that there will be some sort of train line truncation in Gippsland. I ask you to bring the honourable member back to the bill. We would all be obliged if he could now actually touch on it. He has been on his feet for 4 minutes and so far has not addressed the bill at all.

The ACTING SPEAKER (Mr Cunningham) — Order! I thought the honourable member was making a passing reference. If he wishes to go further than that, I shall have to bring him back to order.

Mr HAMILTON — It was a passing reference, Mr Acting Speaker. I note the minister did not deny the rumour. He had a perfect opportunity to do so, but he remained silent. Of course, that is further evidence that his consideration does not go beyond Melbourne.

The bill puts controls on courtesy buses, which have been a growth industry. Most of the major clubs, including the RSL and certainly those with poker machines, in my electorate provide courtesy buses. The buses provide an important service to the public; they offer people the opportunity to dodge the booze buses, or the thousands of other cars that can now be classed as booze buses. Indeed, it is appropriate that the government recognise that the safety and quality of the service should be equal to or perhaps better than the service provided by other buses.

I have fixed the minister right up — he is walking out of the chamber! I knew he could not handle it if the discussion extended beyond Melbourne. I knew I would lose him as soon as I started talking about country Victoria — and the evidence is now before us all.

It is great in spirit and theory to have courtesy buses accredited and their quality and safety guaranteed. However, the real test is the ability of the government or its departmental officers to carry out quality inspections. In its great rationalisation of the public service, the government ensured that many of the experienced bus inspectors who had been with Vicroads, including nine in my local area, were sacked. So there is a dearth of qualified and experienced people to ensure that what goes into legislation ends up being carried out on the ground.

When we are talking about self-regulation, the so-called free market forces and all the acronyms used to describe deregulation, we realise the government does not have the resources in its control to implement the legislation. Indeed, we want to see an audit report in next year's annual report on the number of inspections that have been carried out on courtesy buses and other buses that are included in the proposed legislation. A record must be kept of what has happened, who has done the inspections, what qualifications they have and what guarantees the public can have. That is little enough to ask, and it ought to be on the record in the annual report of the public transport department.

I shall refer briefly to clause 25, which inserts an amendment in section 56(2)(r) and adds to the power to make regulations the provision for the recovery of the cost of the storage and disposal of abandoned vehicles. This area must be addressed and worked through. Recently in Morwell someone abandoned a vehicle in the driveway of a block of units, where it blocked the entrance. The residents of the units rang the police and asked for the car to be removed. The police came around and said because the car was on private property they could not remove it. They suggested the residents contact the municipal council. They did so and were told that the council also could not remove the abandoned car. Then the residents contacted Vicroads and got the same response. According to all reports, the vehicle could not be driven; it was definitely abandoned, but no-one would accept responsibility for its removal.

It was an absolute disgrace. It was bureaucracy gone mad. You would not get that sort of behaviour in *Yes, Minister* would you? You would not expect it anywhere.

Eventually, to its credit, the local council accepted responsibility and removed the vehicle. I do not know that anybody has ever recovered the cost. Generally, the financial circumstances of persons who abandon vehicles will be such that they will not have the money to pay for storage or removal anyway; so again we will be faced with being unable to implement this clause of the new bill when it is in place.

We need to address the scourge of abandoned vehicles. I am not sure what happens around the City of Melbourne. I know in country Victoria

abandoned vehicles seem to appear on the edge of the road at regular intervals. No-one owns them, no-one takes any responsibility for them, and somebody has to remove them and take them down to the wreckers or the metal recyclers or whatever and arrange for their disposal. Although it is good in theory it is another piece of the legislation that will be terribly difficult to implement.

I shall return to the major part of the bill — the further changes to the regulations governing the operation of tow trucks. As I said when the previous bill was before the house, and, indeed, in 1993 when the mutual recognition bill, which deregulated the tow-truck industry, was before the house, can you imagine anything more stupid than deregulating the tow-truck industry with its reputation and record? Of course not. Yet that is what the government has done. The opposition said in 1993, and again in 1995, that that would not work.

Although the bill again addresses some of the problems, it does not look at the nub of the problem. It assumes that all the problems in that industry are the responsibility of the tow-truck drivers and/or the tow-truck owners, and of course that is not so. There are a number of players and, until we can regulate all the players, we will continue to have problems in the industry.

As well as the tow-truck owners and operators, there are also the repairers, and quite often they are very closely related. Then of course we have the insurers, who seem to have a vested interest in the whole business. We also have the allocators in the restricted areas of towing and, strange as it may seem, that is still done by the wonderful RACV. One would have to question conflict of interest. When I raised this matter before with the RACV, it said, 'Oh no, it is a separate company'. That is rubbish. It is the same organisation. So it might want to put something in its left-hand pocket and not tell its right-hand pocket about it. However, it has a vested interest. As the allocator and as an operator of a major motor insurance company it is without a shadow of a doubt partly responsible for some of the rorts and criminality that go on in this particular industry. The insurance companies, like the RACV and GIO and all the rest of them, have a responsibility to make sure the industry is clean.

Indeed, it entered into contracting out, downsizing and all the other dirty work that has been associated with economic irrationalism. It now has a system where assessors contract out assessing for insurance companies. I am told by operators in the repair industry that the contractors are not very good at their job, they are not qualified, and their only job is to look at the quote given by the repairer, knock off 10 per cent, and then approve it.

That would assume the repairers are stupid, and the repairers are not stupid. By and large they are very intelligent people. That is how they stay in business. It is amazing that as part of its so-called cost saving the insurance industry will get rid of experts for what is an expert part of the whole business of repair work in the motor vehicle industry.

I do not want to come back in 12 months and find a new bill further regulating tow-truck operators. The opposition wants to make sure the industry is cleaned up. It is no good cleaning up one part of the industry so that the most perfect people in the world are driving tow trucks and tow-truck operators are so well respected that they have on reverse collars and you mistake them for the local ministers or priests. Until the rest of the industry is brought into line, we will continue to have problems.

I take the house back to Tuesday, 21 March 1995. It seems a long time ago. At page 528 *Hansard* records a reasoned amendment I moved to the Transport (Tow Truck Reform) Bill. I shall reiterate what was said in that reasoned amendment. It said the bill should be withdrawn until certain actions were taken. The first was that a public consultative process should be put in place to consider a number of things. The public consultative process must address the problems identified by the government in this legislation. However, it is no good consulting those with a vested interest only. The VACC has a vested interest, the RACV has a vested interest and the tow-truck operators have a vested interest. We need to have broader public consultation. It almost requires one of our joint committees of Parliament to make sure we get all the players together, because clearly the industry is not right.

The minister's second-reading speech says quite clearly that the number of accidents is going down; yet the number of tows has continued to rise to approximately 4000. So obviously something is wrong. Everybody knows something is wrong, and it is no good tinkering at the edges. In calling for a public consultative process the reasoned amendment asked that the government consider, firstly, criteria designating controlled areas. That was one of the aspects addressed in the last bill. Indeed, at this stage it is not seen to be a problem because there is no extension of it. Secondly, the reasoned amendment sought guidelines for defining

future needs for the allocation of additional licences. There is mention of the licence process system in the bill. As implied in the reasoned amendment in 1995, the licence allocation process left a lot to be desired, and the opposition was proven right.

Thirdly, the reasoned amendment asked that the public consultative process consider details of the demerit point system. That was not mentioned in the 1995 bill; it was left in the trust-me category. The minister said, 'Trust me. We will fix it up. We will make sure the demerit point system works'. Clearly the government has not done so. The demerit point system has not been addressed in this bill. Clearly the system has been rorted over the ensuing two and a half years. So the criteria in the reasoned amendment were not met despite the opposition's urging the then minister to address them before he went ahead with the 1995 legislation. The opposition also asked that the bill be withdrawn and not resubmitted until it contained guarantees enabling the one or two licensed tow-truck operators to stay in business.

The small operators had to be able to stay in business and not be rolled over by the big operators. Licences were being abused and have continued to be abused, otherwise we would not have the change that is contained in this piece of legislation. At that time the opposition asked for an audit system to be put in place to monitor industry performance. There has been no audit system because it is not possible to sack half of the employees of Vicroads and expect them to do twice as much work.

There had never been auditing of the tow-truck industry — it had been deregulated and prior to the 1995 legislation there was no audit system in place. Clearly that legislation did not work and it could be argued logically that we will see another piece of legislation on the tow-truck industry having to be brought in because the bill gets stuck into one section of the industry.

The bill assumes that all the problems in the industry are the fault of tow-truck operators, and that is absolute rubbish. The opposition told the government in 1995 it would not work and we are now saying that because it has addressed only half of the problems of one section of the industry it is unlikely that the industry will be cleaned up. It is unlikely that even the proposed changes will clean up this industry because its history will not disappear overnight.

I recall the remarks of the honourable member for Frankston East, who was involved in the industry. I believe he was one of the good operators and would not have been involved in any of the rorts. One could not imagine him riding shotgun in a tow truck, touting for business or using thugs. One could certainly not imagine him taking a weapon along — not just a tyre lever or a gun, but a bloke about nine feet tall who had muscles made of steel. The honourable member for Frankston East would not have done that! There had to be some good operators in the tow-truck industry, and I suspect they were only in the country.

The point was, and it was made very well by the honourable member for Frankston East, that the industry did need a fair bit of cleaning up. He knew about it and I congratulate him for taking a continuing interest in this industry. There is no doubt that there is still a bit of cleaning up to do. The honourable member for Frankston East also knows that one can have all the legislation or regulation in the world but if no-one polices it and keeps an eye on what is going on in the industry it will not work — it will be a joke.

The minister or other government members can say, 'We have got all this legislation and we are going to fix up the tow-truck industry, we are going to send all the crooks up to Queensland', but the trouble is they will not know who has gone to Queensland and who has come back from Queensland. It is absolutely ridiculous to think that the staff of the Victorian Taxi Directorate are sitting twiddling their thumbs with their computers on their desks and with nothing else to do but pick up a few more jobs. The whole point is that you cannot take the resources out and expect it to work.

It is beholden on this government to make sure the legislation works; and it cannot work until the appropriate resources are on the ground. That is the challenge. Between now and Christmas I want to see newspaper advertisements for people to be involved on behalf of the government to make sure there are sufficient employees to do the job.

If the minister is fair dinkum — and no-one would ever doubt that this minister is fair dinkum because he seems to be fair dinkum in most things he does — he will ensure that Vicroads gets the resources. He will go to the Treasurer and say, 'You had better sell off another public asset because I need some more money to employ people to make sure this works, otherwise I'll be the laughing stock of Victoria. Every tow-truck driver will have a great

laugh when he drives past, or if I happen to be going past in a train or tram'. The minister does not want to be a laughing stock so he will ensure that we have the resources to make sure the legislation works.

I cannot forget the previous minister sitting opposite in March 1995. I wonder if the current minister is looking at a similar sort of progression: backbencher in opposition, frontbencher in opposition — he has not been Leader of the Opposition but he may well be before he is finished — minister and Agent-General in London. That is the path Alan Brown travelled, yet he had the audacity to say in this house, and I refer to page 540 of *Hansard* of Tuesday, 21 March 1995:

> The government is not prepared to accept the reasoned amendment moved by the opposition for the valid reason that we do not wish to hold up what is a very necessary reform.

If he had not used the dirty word 'reform' it might not have been a bad speech. It continues:

> An undesirable element has crept back into the tow-truck industry.

What an understatement! Alan Brown never had a reputation for understating things, his reputation in Parliament was for overstatement, yet he made that understatement. The undesirable element has been there since we first had motor cars and it did not creep back — it rushed back, and it kept rushing. It is a bit like the boy in Holland putting his finger in the dike — we introduce legislation but no-one comes along with a front-end loader to help the boy repair the dike.

In March 1995 the former minister understated the problem in that manner. At the time the opposition said the legislation would not fix the situation and it is saying today that unless the minister can get the resources from the most tight-fisted Treasurer this country has ever seen it is not going to be fixed with this bill. Former Minister Brown continued:

> There is concern with the main players in the industry, and we want to fix it.

What was the concern? Was it that the RACV was not making enough money out of its allocation system, that its insurance company was not getting enough profit? Was the concern that the other players in the industry were not making enough money? Or was the minister reflecting, as he ought to have been, the concern of the public that when a person had a vehicle accident there was still thuggery in the tow-truck industry, and that the industry was not operating properly because it was in collusion with the big cartels? That was the real concern.

The Minister for Understatement continued:

> I doubt whether the bill would be introduced later this year; it could even go into next year.

What an understatement! This is the government that can bring in a bill in 5 minutes, ram it through both houses with its numbers, yet the minister ate humble pie and said that if the government did that it might hold up the legislation. What utter rubbish!

We are left with the bill before us today, which is full of merit. The real challenge is to have it implemented so that the minister is not laughed at every time he gets on a tram or a train or is seen in the back of his chauffer-driven car. The minister needs the necessary resources to make sure it works.

Mr PERRIN (Bulleen) — I rise to make a contribution to the debate on the Transport Acts (Amendment) Bill. It is always a pleasure to follow a contribution of the honourable member for Morwell. We do not take too much notice of him because of the number of generalisations he always makes; and there were not too many specifics included in what he said this afternoon. However, I shall pick up on a couple of his points and just bring him down to earth a little. Firstly, he talked about a rumour circulating in his electorate which I believe he started. He claimed the government planned to truncate the current rail service at Traralgon. That is a lot of nonsense, and he knows it. He is peddling rumours in his own electorate to scare the people of that electorate. That is a despicable act for a member of Parliament and he should apologise for spreading that rumour and for scaring his constituents.

He also had a slag at a couple of organisations, the first being the bus association. He claimed the bus inspection service was not operating as well as he would like. He wanted to have a go at that, not realising it was a function undertaken by the bus association.

Mr Hamilton interjected.

Mr PERRIN — He agrees! He knows that is right. He is talking about self-regulation and he knows who he is having a go at; but he likes to slag the association because its members are not here to

defend themselves. Honourable members should note that he made generalisations; he provided no evidence at all to substantiate the points he made.

He also had a go at the Victorian Tow Truck Directorate which he claimed was underresourced. He actually got it wrong; the Minister for Transport has no responsibility for Vicroads as I understand it. The Minister for Roads and Ports in another place is the person responsible for tow trucks and for other areas such as taxis and what-have-you. The honourable member for Morwell was wrong on that point. However, he likes to have a go. He claimed that the Victorian Tow Truck Directorate was not doing its job. I am about to prove that it is doing a good job — a very good job.

Mr Hamilton — That would be a change!

Mr PERRIN — I am happy to take on the honourable member for Morwell because we all know that in 1995 the Kennett government reformed the tow-truck industry, and the purpose of the amending bill is to tidy things up. We have gone through a very extensive process and, by and large, the reforms have worked. The Victorian Tow Truck Directorate is operating as best it can and it is doing a pretty good job.

An interesting factor about the debate so far is that nobody has mentioned the consultation process. This bill is the result of a very extensive consultation process. It is significant that the Labor Party does not even know about the process. I have a discussion paper issued by the Department of Infrastructure in June of this year during the winter recess headed 'Issues for discussion: proposed amendments to tow-truck provisions of the Transport Act 1983. Discussion paper'. Advertisements were put in the major daily papers asking for submissions on the discussion paper to be received by 4 August 1997.

The discussion paper raised 17 different issues for the public to comment on. Proposal 1 related to the carrying of passengers. I will not go into the details of the proposals but I will be happy to provide the honourable members for Morwell and Thomastown, or anybody else on the opposition side, with a copy of the public discussion paper.

Proposal 2 is headed 'At the accident scene: obtaining authority to store an accident-damaged vehicle'; proposal 3, 'Obtaining payment for storage prior to release of an accident-damaged vehicle'; proposal 4,'Tow-truck driver qualification criteria'; proposal 5, 'Introduction of driver authorities for trade towing drivers'; proposal 6, 'Deregulation of trade towing'; proposal 7, 'Reducing the tow limit for heavy-accident tow trucks'; proposal 8, 'Piggybacking of licensed roster entitlements'; proposal 9, 'Holding licences in abeyance'; proposal 10, 'Allocation numbers and obligations of repairers'; proposal 11, 'Power to revoke or suspend driver authority'; proposal 12, 'A self-managed industry'; proposal 13, 'Prohibition on carrying passengers in towed vehicles'; proposal 14, 'Bespoken licence holders in the controlled area'; proposal 15, 'Demerit points'; proposal 16, 'Penalty provisions'; and proposal 17, 'A formal recognition of Victorian Tow Truck Directorate'.

The discussion paper formed the basis of the bill, and I should have thought it would at least have been known to members on the opposite side of the house; but they do not seem to know of its existence. They do not seem to know who made the submissions on the paper. They just come in here and slag off at the Victorian Tow Truck Directorate and the government, claiming we have not consulted, are out of touch and do not know what was going on. In fact, the government received submissions on this discussion paper from some very powerful organisations, including the Victoria Police, the Victorian Automobile Chamber of Commerce, the Victorian Accident Towing Association, the Insurance Council of Australia, the Royal Automobile Club of Victoria, the NRMA, AAMI and Ace Towing Service. That is a wide cross-section of organisations those members and officers know a bit about the towing and accident industries in Victoria. However, members of the opposition do not seem to know or care about what those organisations have submitted to the government.

Not all of the 17 propositions contained in the discussion paper were picked up by the government and not all are in the bill. However, that is all part of the consultation process. The government listened to a wide cross-section of views — some for the proposals and some against — and made a balanced judgment on what should be put to Parliament in the bill. The discussion paper is a key document, and the government should be congratulated for cleaning up a number of industries which were less than reputable. It has reformed the taxi industry and the wheel-clamping industry and some of the undesirable practices of the tow-truck industry were cleaned up in 1995. I also point out that a review of the driving-school industry is currently being conducted.

I now refer to some of the proposed amendments and the changes referred to in the discussion paper. I compliment the former Cain government for introducing the accident allocation towing system. It was a necessary reform because prior to that if a motor accident occurred four or five tow trucks appeared at the location resulting in skulduggery and often the harassing of injured people. The allocation system was introduced in the Melbourne metropolitan area, but the regional areas of Victoria, apart from Geelong, were free of regulation. The bill builds on the system and corrects some of its weaknesses.

One of the key aspects of legislation that involves cleaning up a particular industry is to make sure people in that industry are squeaky clean and undergo fit and proper character tests — in other words, they should be people capable of doing the job. The purpose of the qualifications test was to make sure undesirable elements were removed from the industry, and that has occurred. The honourable member for Frankston East said that some undesirable elements and thugs in the tow-truck industry have moved to Queensland and the Gold Coast. I do not know if that is so, but I do know they are no longer in Victoria, and I am pleased about that.

The government realised it needed to expand the qualifications criteria and the proposed amendments introduce qualifications for those involved in the crime of conspiracy to commit theft or fraud on the commonwealth, fraud under the Transport Accident Commission legislation or fraud under Workcover legislation. They will ensure that any person who tows a vehicle is a fit and proper person and that the valuables in the vehicle or at the accident scene are not stolen. Often the valuables of injured people are scattered around the accident scene and we need to be sure that the valuables are secured and not stolen. The government believes people convicted of fraud under the legislation I have described are not fit to tow vehicles at an accident scene. We are removing the possibility of temptation.

A further amendment will allow the Tow Truck Directorate to suspend an accident towing driver authority for a short period. This disciplinary provision will not apply to major offences that involve demerit points, but to minor traffic offences where, perhaps, the tow-truck driver has displayed a careless attitude to road rules and may need to cool off for a short period. The provision will allow the suspension of the licence so the individual can be disciplined when his behaviour is unacceptable. The bill also has an appeal provision so that tow-truck drivers suspended in such circumstances can appeal to the Administrative Appeals Tribunal.

I turn now to the management of accidents in non-metropolitan areas. As I indicated earlier, the accident allocation system relates to the Melbourne metropolitan area. Geelong has an informal system where operators run their own accident allocation system, but other areas are relatively uncontrolled. The bill will enable uncontrolled areas to be quasi-controlled through a voluntary code of practice. It will allow regional Victoria to implement a reasonable and rational tow-truck allocation system. The government strongly believes in self-management of the industry and this amendment will allow industry operators in regional Victoria to get together to allocate accidents, as occurs in Geelong.

I turn now to the provision relating to an audit trail for accident tows. I am sure some problems still occur in the industry. The amendment will provide a clear audit trail so that the damaged vehicle can be traced from the point of the accident, to the towing location, the accident repairer workshop and delivery of the vehicle back to the owner. The amendment will help the industry, tow-truck operators, accident repairers, insurance companies and consumers. The community needs to be sure that accident tows are handled appropriately and that vehicles are taken to the appropriate accident repair centres.

Another important aspect of the bill relates to storage changes. Two separate authorities, one for towing and another for storage, will require to be signed, when it is possible to get signatures. At some accidents that is impossible because the occupants of the vehicles have been injured. The separate signatures will indicate that at the accident scene one authority is being given to tow the vehicle to some place and another to store it there. They are important consumer protections that will ensure that all the costs are known in advance. The provisions relating to storage charges will be amended so that consumers will be aware of the storage charges for which they will be liable, that they are appropriately notified and kept notified of the storage charges and that they can have access to the vehicle without being concerned about those charges.

The most interesting aspect of the bill and of the consultations leading up to it is what I describe as the prohibition of passengers. The government has strongly maintained that passengers should not be

allowed to travel in tow trucks. The bill provides for an exemption that will allow tow trucks to carry passengers in country areas. Honourable members representing country electorates, including the honourable member for Morwell, will be aware that the situation in the country is different from what happens in the metropolitan area.

Probably the only way a person who has been involved in an accident in the backblocks somewhere can get to the nearest town is by being brought in by the tow-truck operator. The provision is fair and reasonable. It is a different story in the metropolitan area because taxis and other means are available of getting drivers and passengers involved in accidents back to where they want to go reasonably easily.

I was convinced about the correctness of making a distinction between controlled and uncontrolled areas by comments made to me. It is important to ensure that we can enforce the regulations in the accident allocation areas in the metropolitan area. The best way of doing so is for police officers to know that a tow truck is operating legally if it has only one person in it. Two people travelling in a tow truck is an indication to police officers that perhaps the passenger is not authorised to be in the truck, and that the vehicle should be pulled over and the occupants questioned.

The provision will allow the police to easily monitor vehicles in the metropolitan area to ensure that persons have authority to travel in tow trucks. We want to keep the thugs out and stop the practice of two people travelling in tow trucks — the drivers and the monkeys, who do things that should not be done. It is important to keep the prohibition on passengers in the metropolitan area and to introduce the exemption in non-metropolitan areas.

I will concentrate on the major provisions of the bill. I am sure the consultation process that led to the changes incorporated in the bill will continue. As I said, the government has already put out a discussion paper. I am sure the participants in the industry will continue to keep the government informed and from time to time will make requests for changes. I am not concerned about legislation coming back. If members of the industry want something done we should have the necessary consultations and introduce amending legislation. I would not lock out any future changes on the basis that everything was right from the start.

I refer to two other fantastic features of the legislation that are not related to tow trucks. The first is the re-routing of the Swan Street tram along the proposed Exhibition Street extension to City Link. I am strongly in favour of the extension of Exhibition Street, which is a great project, particularly because it will carry public transport and will not just provide motor car access to the City Link project. As the honourable member for Cranbourne said, we will be able to close off Swan Street, open up the area to parkland and implement the Federation Square project on the former Gas and Fuel site. The Exhibition Street extension is a very important proposal.

I conclude by pointing out to a few opposition members, who do not seem to understand it, that changes to bussing arrangements are very important. I strongly support those provisions because in my electorate of Bulleen the operation of the public transport system, which is a bus-only system, was transferred from the Public Transport Corporation to the National Bus Company. The privatisation of public transport in my electorate has been an outstanding success and I hear only compliments about the private bus operators in my electorate. They are doing a great job.

I make this offer to members of the Labor Party: if you want to see a good public transport system operating better than it was under the Public Transport Corporation — we had second-hand buses that were in terrible condition, drivers who were not responsive to passengers' needs and I used to get complaint after complaint about what was happening in public transport — come to the City of Manningham and look at what the National Bus Company has done. It has introduced new bus services and routes, and cheaper bus-only fares.

I support entirely the proposals of the Minister for Transport to privatise buses, trams and trains because I can prove that services will improve. I have evidence in my electorate that the National Bus Company has delivered better services than those that were provided by the Public Transport Corporation. I strongly support the bill. I am pleased that the Labor Party is supporting it. I hope that when the legislation to privatise the public transport system is introduced Labor members will see the error of their ways and support that as well. I commend the bill to the house.

Mr PANDAZOPOULOS (Dandenong) — After listening to the honourable member for Bulleen one would think that the opposition was opposing the

Transport Acts (Amendment) Bill. The opposition does not oppose the bill but is raising a number of concerns about it, and in relation to the tow-truck provisions is highlighting the points that the honourable member for Morwell made in the debate on the principal act in 1995 when he said that the government had got the legislation wrong. It is good to see that the government is fixing it up. However, this is another of the government's omnibus bills, in which everything is thrown together in one bill. It is a worrying trend. The opposition would prefer to deal with some things separately.

I will focus on the sporting precinct and the alterations to the Wattle Park tram service, which currently runs along Swan Street and Batman Avenue. In the second-reading speech the minister said that the reason for the proposed re-routing of the tramline was to provide more convenient access to sporting and entertainment facilities and improve public transport links into the sporting and entertainment precinct.

It is important to recognise that the change is being sprung on us as a result of works on City Link rather than for any other reason. There is no real desire for improved access; it is just that the City Link works, as part of which the Exhibition Street extension will be a new toll road, will make it much more difficult to continue the tram alignment along Swan Street.

I do not see any reason why the tram could not continue from the Exhibition Street extension where it turns off to the designated railway alignment behind Melbourne Park, and I would like the minister to provide an explanation. It would have been much more logical to make all attempts possible to ensure that the route would continue along Swan Street — even though removing the tram tracks would beautify the boulevard. However, rather than increasing access, the government's proposal reduces access to a number of facilities. The National Tennis Centre is a great tennis facility and a wonderful entertainment venue. That area will be very busy in January because in addition to the tennis centre there is Olympic Park, which is just off Swan Street, and the Sports and Entertainment Centre.

An area which seems to have been forgotten and which has not been mentioned is that which embraces the Royal Botanic Gardens and the Sydney Myer Music Bowl. The current tram service provides great access to that area, but it will be a huge walk from the proposed tram track. Rather than the government trying to talk up this proposal as improving access, it should admit that it is the only alternative it has to retain public transport in that precinct as a result of the City Link works.

Mr Cooper interjected.

Mr PANDAZOPOULOS — The minister asks by interjection how long is a huge walk. We certainly know that site is huge, and the tram facilities will be behind that. The entrances to facilities at Melbourne Park, the Sports and Entertainment Centre and Olympic Park are not where the tramline will be in the future.

Mr Cooper interjected.

Mr PANDAZOPOULOS — The minister says it will be only 250 metres away. Rather than improving access to the area the government's proposal reduces access, and it should be honest about that. I am not sure what consultation has taken place with users of the facilities in question. I am sure they do not have much of a choice anyway because of the City Link work. However, I am concerned about the safety issues involved with the tram realignment. The tram route will run along the rear of Melbourne Park, mainly to the current car parking facility. It will certainly improve access to the function centre at the rear of Melbourne Park, but everyone else will have to walk around Olympic Park and probably through Yarra Park to access Olympic Park and the Sports and Entertainment Centre. They will have a significantly longer walk if they wish to go across to the Royal Botanic Gardens and the Myer Music Bowl. The area is not very well lit, and considerable works need to be undertaken in providing pathways, improved lighting and walkovers.

Despite the fact that the opposition supports the bill, I raise these issues because insufficient regard has been given to the needs of the people using that area. The trams will dump them at the rear of the major facility in the area rather than at the front door, which is what the current Swan Street service does. For families trying to get to the Botanic Gardens, it is a fair walk from Richmond station, Punt Road or the new tram alignment across that parkland. Some roads adjacent to Swan Street will probably become busier because of the trams moving from that area. A number of road traffic issues are of concern.

Gaining access to the Botanic Gardens area and the Myer Music Bowl will probably be easier from the long walk along St Kilda or Domain roads, and the

new proposal does nothing to improve access to those areas.

I ask the minister to explain what consultation was undertaken with the users of the area. I would also like comment and feedback on any public safety issues that might have come up as a result of advice from the department, or wherever, and what action, if any, is being planned to address that. What sort of improved access to the front entrances of these facilities will be made available?

Apart from those issues, the opposition has no real problems with the bill. Of course, it is concerned about some of the charges being placed on community organisations that run buses. An accreditation system is certainly required, as is a focus on improving safety standards and preventative measures. However, the opposition is concerned about the additional costs. In my electorate there is a great community bus system operated by the City of Casey. Excellent support is provided to community organisations that do not have the financial means to access buses at commercial rental. They are basically self-help groups and volunteers and, of course, any extra costs they face will make it much more difficult for them.

In the past local government has been very supportive of the servicing of those buses, but with the cutbacks in local government and the tight funding situation it faces, it is a little harder to meet previous commitments to maintaining the community bus service. Any additional costs are of concern to community organisations.

Despite those concerns the opposition has no other problems with the bill, and I look forward to the minister's response, particularly in relation to the sporting precinct.

Mr McLELLAN (Frankston East) — I support the bill. I shall confine my remarks to the parts of the bill about which I have some knowledge — that is, the tow-truck industry. Probably the most welcoming part of this bill for the industry is the provision dealing with the piggybacking of licences and the ability to unpiggyback them, as it is commonly known. In 1995, simply because we did not know how many tow trucks were on the road — we probably still do not know — the government allowed operators to piggyback unused licences. We all know that one could have 5, 6 or 10 TOW plates, but knowing how many were actually attached to tow trucks was a different matter. The government introduced a provision to enable the owners of licences to piggyback them on to the trucks that were actually on the road so as not to lose them, and the industry was kept abreast of what was going on.

Previously, a tow truck parked in the backyard without a motor in it still had to have a TOW plate on it. The vehicle may never have hit the road. Of 10 licences belonging to an operator, only three or four main vehicles would be used. It was a nonsense and allowing the piggybacking of licences in 1995 was certainly welcomed. This bill allows that procedure to be reversed so that operators can on-sell licences if they are not required. Honourable members would be aware that a licence is worth between $90 000 and $100 000. The bill allows the owner of a piggybacked licence to revive and transfer that licence to another purchaser. The bill sets out the procedure, which is fairly simple, and the fee. It also allows the towing directorate to store the plates of vehicles that are not being used on the roads.

That sets up an audit process. The owners of the plates will surrender them to the authority, which will hold them. Therefore at some point we should know that if the authority is not holding a certain number of plates the vehicles are obviously on the road, and if they are not, we can set up an audit. I would have gone a small step further, and I have spoken to the minister about this — I would have introduced an annual roadworthy test for all tow trucks. If the tow-truck authority did not have the plates stored and the vehicle was not produced for the annual roadworthy check, it would be obvious that something was wrong. The authority would know who owned the plates and it would be very easy to visit the person and ask, 'Your truck did not turn up for a roadworthy; where is it?'. That very simple process would make it very easy to find out who was doing the wrong thing. I suggest that those who do not believe that people lend out plates and trucks are very naive.

The annual roadworthy check would be one way of ensuring some form of audit was conducted. Currently, no-one has a clue about how many plates are out there, how many trucks are actually out on the roads and so on. I hope the bill will go a long way towards establishing some form of audit that will define those figures.

Most of the other changes in the bill have been addressed by other speakers, and I shall not go over old ground. However, I shall deal with the provisions that define 'fit and proper person'. The honourable member for Bulleen also touched on a

couple of these provisions. For a long time I have been concerned at the propensity, particularly these days, of the Magistrates Courts not to actually impose a sentence. As a result, no conviction is recorded against a person who pleads guilty in court to having committed some minor offences that should not have been committed by someone deemed to be a fit and proper person; the person is fined and/or placed on a good behaviour bond for 6 or 12 months. No other penalty is imposed on the person for having done the wrong thing. The bill gives the power to the Tow Truck Directorate to take some action if it sees fit. If a person continues to do the wrong thing over a period, the directorate can impose a short suspension of the licence or the like. That would be a way of dealing with the problem, which exists not only in the tow-truck industry but in other areas as well. The magistrates just do not seem to want to impose any sort of sentence other than a small fine and/or a good behaviour bond on a person who pleads guilty. Therefore there is really no audit trail for the directorate to follow up in those matters.

The bill also defines 24-hour storage. Currently, if you have an accident at 5.45 p.m. today and pick up your car at 5.45 p.m. tomorrow, you will be charged storage for two days because the car has been stored past midnight of the day of the accident. The bill defines that 24 hours means 24 hours from the time the vehicle is stored, so if you pick up your vehicle at 5.40 p.m. tomorrow you will be charged $10.50, not $21, as at present. This is a much-improved system.

The bill clearly defines the onus on repairers. The licence to tow authority provides a natural means of audit for the vehicle. When a vehicle is towed the authority to tow must be produced before the vehicle is assessed, a quote can be given and so on. The process must be followed until the owner gets back the vehicle. The bill sets out clearly the rules and regulations that must be followed where that does not happen. It is quite simple: a checking procedure is set up; it sets out what should be done if the form is not there and specifies the penalty to be imposed on anybody who does not follow the requirements of the legislation.

I am amazed to note that although since 1995 there has always been a requirement for an authority to tow, there has been no way the process could ever be audited. I would be happy for anyone to correct me if I am wrong, but my understanding is that since 1995 a substitute authority to tow has never been issued in this state, yet the law requires it. That procedure has failed miserably. I hope the bill will set out a proper procedure that applies penalties for people who do not comply. There is an onus not only on repairers but assessors, insurance companies and everybody else involved in the towage, storage, repair, maintenance and return of the vehicle to the rightful owner. It will enable the Victorian Tow Truck Directorate to visit a panel-beating shop and go through the paperwork; if the appropriate papers are not there, the panel-beating operator will go straight to court because the procedure was not followed. The directorate is able to follow all the steps that are clearly set out in the bill.

Mr Hamilton — And we will be waiting to see what happens with the first case.

Mr McLELLAN — So will I. It was interesting to hear some of the responses to the discussion papers that were circulated about the carriage of passengers. I sat through two of the bills committee meetings and listened to the representations made. I wondered whether I was in the same state that those people were talking about because if you listened to them you would think they were wonderful and never did anything wrong. They wanted to be able to take passengers in their tow trucks so that they could drop off people at home on the way to taking the vehicle to storage. They espoused a desire to provide a sort of public service, which sounded wonderful. However, it never happened in my time and I do not think it has happened since. My suggestion to some of those people was that if they felt so strongly about providing such a service to ensure the safety of the vehicle owners, perhaps they should put them in a taxi. I asked, 'If these people live only a few kilometres away, why not spend $10 or $20 on a taxi for them?'. Their response was, 'Why should we bear the cost?'. In the good old days they did not mind paying a $100 spotters fee for any vehicle and they did not mind paying $100 on a repair, which was illegal. But they objected to paying $10 or $20 to provide a service that would give them that fuzzy, good feeling.

That response certainly confirmed for me what I always believed: the suggestion about taking a passenger was just a process to ensure that the tow-truck operators could have two people in the vehicle, as they did in the old days when there was a co-driver and a cowboy, or an enforcer. Anyone who lived through the experience in the past would not want to see a return to that situation. We do not want people who have been put into the back of ambulances having to sign an authority to tow or some such thing that was covered in blood, so that

you could not read the details on it, anyway. I have seen that happen on many occasions after car smashes in the past. You do not want your son, daughter or wife being surrounded by half a dozen bullies and signing on the bottom line, so allowing the car to be taken who knows where, simply to stop the intimidation and get those people out of the way.

The honourable member for Bulleen mentioned that he had seen five tow trucks turn up to an accident scene. I have seen 15 tow trucks turn up to one accident involving only one car, and every operator ended up in a brawl further down the street, requiring two police divisional vans to clean them out. I well recall one incident in Richmond that I attended. As I said, I do not want to see these things happening again, with our wives, children and other loved ones being intimidated by thugs coming back into the industry. The rumour is that they are thriving on the Gold Coast. I envy them only the weather and nothing else. This state can well do without them.

I commend the bill to the house. I am confident that the changes it proposes will produce the result that the Tow Truck Directorate wants. Like the honourable member for Bulleen, I would be quite happy to sit down in 12 months, examine the situation and ascertain whether the results match the requirements the government has placed on the industry and then propose any further amendments that are necessary to ensure that occurs. This is an industry that must be policed very strictly because it does not take much for it to get out of control, and we all know what happens when it does.

Mrs MADDIGAN (Essendon) — I join other members in congratulating the government on its proposed changes to regulations governing the towing industry, and particularly on picking up the very sensible amendment suggested two years ago by the honourable member for Morwell. It is a relief to all residents of Victoria not to be greeted continually by media stories about horrific incidents involving tow-truck drivers in the industry such as we had a few years ago. Improving tow-truck regulation is important, particularly in view of the trauma suffered by people in car accidents.

The last thing motorists want is to end up in vicious disputes with various people about who has the right to look after their damaged cars. I do not wish to spend any more time debating the towing industry. I wish to address a couple of the other changes covered by the bill. In particular I ask the minister to clarify a couple of matters when he responds at the end of the debate.

I strongly support the accreditation of vehicles included in the bill, particularly those used in the community. In my electorate, and I am sure in other electorates, the number of buses owned by schools, community groups and local councils and used by a large proportion of the population has increased substantially over the past few years. Many people will be very pleased to know that in future there will be annual inspections for the roadworthiness of those vehicles. I believe many people thought that already happened and that there was some regulation of those vehicles. It is certainly time that was included in legislation.

However, one aspect that concerns me is the accreditation of operators. From the second-reading speech — I hope I understand this correctly; no doubt the minister will tell me if I do not — I understand there will be an accreditation scheme for those who wish to hold a driver's authority. In future there will be similar requirements for drivers of hire buses and so on as for drivers of commercial passenger vehicles. According to the second-reading speech, under the Transport Act drivers hold drivers certificates, or DCs, and both the proposed driver authority and driver certificate schemes are probity checks on drivers of passenger vehicles.

Although I have no problem with that in principle, I wonder how it will operate in relation to these buses. I cite the example of a bus used frequently in the electorate of Essendon. The bus is owned by an incorporated body called the Boomerang Club, an association that provides activities for disabled people. Although the bus is used successfully by that organisation, when it is not using the bus it is rented out for use by other groups such as the Essendon Historical Society or community action groups. Other groups are allowed to use the bus for the day at a minimal rental and a bond. The Boomerang Club uses the rental income to support its activities on behalf of the disabled residents who use its facilities.

Although I know there is a phase-in period for drivers, I wonder how that will affect the community. The same situation applies to school buses. Frequently teachers and other staff drive pupils to various classes, as sometimes do parents involved in school excursions. What is the situation for them? Does it mean there will be limits on their ability to drive the buses? If so, what sort of procedures will be put in place to enable them to

obtain speedy accreditation so that their activities are not curtailed? I seek elucidation, if possible, from the minister about how that may operate in the future. What provisions will be included to ensure that people are not prevented from using the buses for community purposes?

In my electorate — I presume it is fairly common — the buses are used largely by small community groups because they are often not in a position to afford private rental fees or to meet the requirements of private rental buses. Frequently the buses are small 14-seaters, the ones in my electorate anyway. They fulfil a useful community function. I would be concerned if in some way that activity is impeded by the bill. I would be grateful for some explanation from the minister about how those problems can be overcome to ensure that the community retains full access to its buses.

Although the honourable member for Dandenong covered most of the subject, I also wish to speak briefly about the alteration of the tramline. The realignment of the tram route forms part of the City Link extension of Exhibition Street. How lucky are the residents on this side of the city to have a tramline as part of their City Link extension? The residents alongside the Tullamarine Freeway would have been exceedingly pleased to have had any sort of extra public transport on the western link. Indeed, the extension of the tramline, which has been mooted for many years even up to Airport West, would be considered a great boon by local residents, who rely heavily on public transport, especially trams, which are seen, quite rightly, as a very safe and efficient form of transport. I seek a clear undertaking from the minister that there will be no tolls applying to transport users on that tram, either now or in the future.

I understand from previous debates on the Exhibition Street extension when the bill went through the house in the last sittings that two tolling stations are to be incorporated in the Exhibition Street extension. My understanding from an earlier briefing is that the tolling stations are not in the area where the tramline enters the Exhibition Street extension. However, I would appreciate the minister giving an undertaking that tolls will not affect those tram passengers, either now or in the future when the tender is let for Exhibition Street and the project is underway.

The honourable member for Dandenong quite rightly expressed concern about whether consultation has taken place with the various groups affected by the change to the tramline. It is a significant change in access. Although some members have pointed out that it improves substantially the access to some facilities along the line, it certainly causes concern for residents on the other side of Melbourne Park and for people interested in the Alexandra Avenue gardens area. I would be interested to know if alternative bus routes or any further public transport will be available to help overcome those problems.

Another concern relates to clause 26, which inserts new sections into the Transport Act. The new sections will make small excisions from the Yarra and Melbourne Parks, which are Crown land reserves under the Crown Lands (Reserves) Act. The land is to be made available for the relocation of the Wattle Park tramline. I notice there is no provision for the return of alternative public open space to make up for that excision, even though I know it is not a large area. However, the community is concerned about Crown land that has been available for parkland being taken for transport projects and not replaced by other public open space. Even though it is not included in the bill, does the minister have in mind the provision of Crown land to make up for the parkland removed by the bill? As other honourable members said, most of the other provisions relate to the repeal of acts that are no longer relevant.

Finally I stress my delight that a new tramline is being built, even if it is only changing an old route. However, I reiterate the concerns of residents in the west about the lack of tramline extensions in their area and the lack of public transport alternatives for City Link, particularly an extension of the Airport West shopping centre tramline.

There is excellent public transport in the inner suburban areas but once one gets out further it is very limited. Public transport is really important in areas that have growing populations and in which children are growing up.

I will be grateful if the minister in his concluding remarks can throw some light on some of the matters I have raised. Many members of the community will be pleased to know that when their children are travelling in school or community buses they are at least technically safe. It will remove one of the concerns many parents have concerning normal modes of transport.

Mr SEITZ (Keilor) — Improvements in the tow-truck industry are always welcome. Practical

experience of the changes that were made to the industry when the present government came to power has led to the need for further changes because the tow-truck industry needs to be controlled. People at accident scenes need to be treated with courtesy and commonsense. It should go even further. Tow-truck drivers are often first on the scene of accidents and should be trained in first aid and make contact with other providers of accident assistance.

I know from my own observations and from comments of people in my electorate, particularly since the bill was introduced, that there is concern about the changes in respect of senior citizens travelling in community buses that are driven by volunteers. Volunteer drivers are concerned at the prospect of having to gain accreditation. On many occasions people have difficulty getting endorsed licences when they have to drive an 18-seat or 14-seat bus because a 12-seat bus is not available, and they are saying, 'You have to take out the seats to make it a 12-seater bus so that we do not need an endorsed licence'. The extra requirements for accreditation for drivers is a concern because it is difficult to get volunteer drivers at any time. Community vehicles provide a good service, particularly in areas such as my electorate of Keilor that have absolutely no transport connection with other areas of the City of Brimbank.

The need for improvements in public transport access, services and bus routes in the City of Brimbank, particularly in the new growth areas, was one of the major pushes by the former commissioners and by the current elected councillors. I would welcome the introduction of such services. Community buses are the only means of transport by which many people who are stranded at home all day can access community services, whether it be going to a playgroup, to a senior citizen's meeting or just on a shopping excursion to Watergardens, Brimbank central shopping centre or Highpoint West. They serve an essential link for our community in the City of Brimbank.

I am also concerned at the extra built-in costs and charges. Will it increase registration fees and again result in the cost being put back on the people who use the coaches? Many clubs and schools can ill afford an extra charge down the track for the hiring of a bus. Bureaucracy starts with one person in a little room and grows into a monster that has to be financed, so fees will go up.

Concerns about the question of cost have been raised by teachers in my area. Will the changes increase the cost of hiring buses for school excursions, which is quite expensive now? We know that big business in particular passes down the expenses to the little people, to the consumers. The opposition cautions the minister to avoid the expansion of the dual bureaucracy that is to be set up in relation to the driving of big buses.

The last issue is the extension of the tramlines. I welcome what is happening in the inner city, which was obviously forced on the government, and I would like to see public services extended into the new growth areas. I do not think there has ever been any extension of tramlines in the north-western or western suburbs. They have been closed instead. I would like to see some action to provide better services in those areas of Melbourne, whether it be tramlines, a new railway station at Sydenham or just an improvement in existing amenities. The previous Minister for Transport claimed he would improve things and build us a new station.

Sydenham railway station is an urgent priority. There is a need to provide improved accessibility and car parking, particularly following the opening of Watergardens. The Premier officially opened the centre last week. He saw the desperate need in the area for improvement — the area is crying out for government expenditure.

I hope the minister will honour the previous minister's comments when he visited Sydenham station that the government would relocate the station and build new facilities. I understand there is interest by the developers of the Watergardens, the commissioners at the municipality of Melton and the City of Brimbank and the government in a joint venture between the four entities to build a decent railway station to service the people of the area.

I have no further comments on the bill, except to say that in the tow-truck industry we will see further amendments. The bill does not go far enough on some of the issues I have raised. I wish the bill a speedy passage.

Ms GILLETT (Werribee) — It is with pleasure that I make a contribution on the bill, and refer firstly to the changes the legislation proposes to the operation of the tow-truck industry. It is a tribute to the persistence and commonsense of the honourable member for Morwell that the government has sensibly finally adopted the measures he has

championed for reform in the tow-truck industry for the past two or three years.

As honourable members may be aware, the Princes Freeway runs through my constituency. Sadly that section of the road, particularly the stretch from Altona down to Geelong, experiences one of the highest accident rates on freeways and rates as one of the two highest accident black spots in the state of Victoria. There has been a lot of activity by local residents and councils over the past six months — I expect it to continue apace — to urge, with the support of this Parliament, federal Parliament to designate the Princes Freeway a freeway of national importance. If that succeeds we hope to get done some much-needed upgrading works to reduce the number of accidents and ensure that the area's calls on the tow-truck industry are significantly reduced.

There is another area in which the need for the tow-truck industry could be reduced. It has come to my attention over the past months, and it has been an ongoing problem, that one of the reasons that we have been so often at the hands of the tow-truck industry is that many young people are not able to access taxis from around the local area when they need them.

Apparently there seems to be some difficulty with the provision of both taxis and public transport. As you will be aware, Mr Acting Speaker, public transport services around the Werribee constituency are non-existent on a Sunday. Coupled with a very poor service from some of the taxi companies, that means our young and elderly people and those less economically fortunate are either forced to stay at home or, if they decide that they have to go out, are reliant upon their own transportation. Safety is an issue of great importance in relation to young people. It is important the they are able to avail themselves of much-needed taxis.

Werribee is serviced in the main by tow-truck operators who work out of Geelong, and they are to be congratulated for establishing, without any legislation being in place, what amounts to a code of conduct or a form of regulation among themselves, and the minister recognised that in his second-reading speech. He said that one of the major benefits which has flowed from the reforms has been the ability of the industry to undertake management of accident towing in rural areas — Geelong and Werribee are regarded as semi-provincial. The minister went on to say that the operators in Geelong have formed an association which runs its own accident allocation system in the area, which is of course subject to overall supervision by the Victorian Tow Truck Directorate. The operators virtually control their own destinies with regard to accident towing matters, and they are to be commended for what they have achieved.

Other country areas have introduced voluntary codes of practice, all of which provide a better, more efficient service for the public and raise the image, which was much needed, of towing operators in various communities. The bill provides a legislative base to underpin self-management areas and to enable the operators to continue to provide the best service possible. It is important to point out that it cannot be left to the more public-spirited members of an industry to bear a burden of regulation which others in the industry are not obliged to follow and therefore can exploit.

As I said, the operators in Geelong are to be congratulated, but it is most important that Parliament always provides a benchmark to encourage and to insist that all participants in the industry adhere to a minimum code of practice. That is especially the case in industries such as the tow-truck industry which deals with members of the public when they are vulnerable to the worst sorts of exploitation in circumstances where they are at best in shock and at worst severely injured.

The only other remarks I shall make relate to the consideration of the bill by the Scrutiny of Acts and Regulations Committee, of which I am a member. The committee met yesterday to consider the bill and made some remarks that should be noted in the chamber today. In particular, it should be noted that this single bill amends a number of other acts. In a technical and structural sense that makes this bill an omnibus measure, and the government seems to have some difficulty in the way it defines omnibus bills. As I understand it through my work on the Scrutiny of Acts and Regulations Committee, omnibus bills amend a series of like or related bills. Yet this bill, which does that, is not called an omnibus bill. It is difficult for people who are interested in the area — indeed, for the industry partners — to follow changes in legislation if the name does not clearly define what it is. Therefore, for the sake of simplicity and for the ease of the people affected by the legislation to follow changes, I urge the minister to be straightforward and adopt a more coherent strategy in relation to the naming of bills.

In the past the government has called a measure omnibus legislation when it seeks to amend a whole

raft of unrelated bills. The government incorrectly refers to that sort of bill as omnibus legislation. The Transport Acts (Amendment) Bill, which is really an omnibus bill, is not named in that way. For the sake of the committee of which I am a member and for the sake of the public and industries interested and affected by changes in legislation, a much more sensible approach should be adopted so that the naming of legislation takes into consideration plain English.

The bill alters section 85 of the Constitution Act but does so in a way that the Scrutiny of Acts and Regulations Committee found did not breach any rights. The change incorporates an element of the King-street Bridge Act 1957. The bill repeals that act but retains the provision which provides for an indemnity. *Alert Digest* no. 9 states:

> Clause 35 of the bill is intended to alter or vary section 85 of the Constitution Act 1975. Clause 35 continues an existing immunity provision in relation to obstructions to the Yarra River brought about by the building, presence or maintenance of the King Street Bridge. This provision presently exists in the King-street Bridge Act 1957, and with the repeal of that act that provision is being transferred to the Transport Act so that this immunity will not be lost.

It goes on to explain that:

> The immunity is necessary to protect the state against any potential legal claims that could arise out of the building, presence or maintenance of the King Street Bridge, such as common-law action for public nuisance. Clause 36 contains the limitation on section 85 of the Constitution Act.

In conclusion, the opposition does not oppose the bill. I congratulate the government on a good piece of legislation that provides for both increased public safety and certainty about an industry that has contact with members of the public when they are in particularly vulnerable or difficult situations. I commend the bill.

Mr COOPER (Minister for Transport) — I thank the honourable members for Thomastown, Morwell, Dandenong, Essendon, Keilor, Werribee, Cranbourne, Bulleen, and Frankston East for their contributions. Their contributions are welcome, and I thank the opposition for not opposing the bill.

A number of matters have been raised for possible response, and in the hope that a vote can be taken before 6.30 p.m. I will try to deal with those matters as quickly as possible. I will ensure that members who have raised matters and who need further or more detailed responses will receive them.

The honourable member for Thomastown, making the substantive response on behalf of the opposition, said that the bill shows that the reforms the government made to the tow-truck industry in 1995 have not worked. My view is very much to the contrary. The effect of the 1995 legislation has been to thoroughly clean up the industry. The honourable member for Frankston East demonstrated that in his contribution to the bill, as did other members, by commenting that the cowboys and thugs who were giving the industry an appalling reputation have gone from Victoria.

The thugs have gone from the industry and the state, and the honourable member for Frankston East said they have congregated on the Gold Coast. That is the Gold Coast's loss and our gain. The bill does not reregulate the industry, but adds to the regulations that were put in place in 1995. The amendments finetune the regulations.

The honourable member for Thomastown expressed apprehension that the fees for bus inspections could become onerous for community organisations. The honourable member for Cranbourne accurately indicated during his contribution the facts surrounding the fee structure, which will be set to recover the costs involved and is unlikely to be onerous, but we will bear in mind the apprehension of the honourable member. The government will not introduce an onerous fee structure.

The honourable member for Thomastown appeared to imply that commercial organisations should cross-subsidise community organisations. Commercial operators in the bus industry will be aghast at such a suggestion. I hope I am wrong in assuming that is what the honourable member said, but if it was what he implied, bus operators in metropolitan Melbourne will be unhappy at the suggestion.

Regarding the re-routing of the Swan Street tram the honourable members for Thomastown, Essendon and Dandenong made the point that the re-routing could significantly disadvantage people who currently use the Swan Street tram to access the Royal Botanic Gardens. It is my view and that of the government and the Public Transport Corporation that the new route will adequately service the Swan Street tram for those people seeking to get to the main venues at the Melbourne Cricket Ground,

Melbourne Park, the venues in Batman Avenue or the Royal Botanic Gardens. The extra distance people will be required to walk from the new route to Batman Avenue compared with the existing route is 250 metres, which is hardly a significant disadvantage to users of that tram service.

The honourable member for Dandenong made the point that because people will have to travel longer distances consideration should be given to extra lighting to and from the Royal Botanic Gardens. I believe the gardens close at dusk, so street lighting is hardly an issue. Nevertheless, I will take those concerns into account.

The honourable members for Essendon and Thomastown were concerned that the acquisition of Crown land to enable the new routing of the tram service should be replaced. Federation Square, the Yarra River environs, the reduction in the number of rail tracks in Jolimont and the demolition of the swimming centre and other works will mean large additions to Melbourne's parklands. It is worth recording that the former Labor government, when acquiring Crown land to build the National Tennis Centre, promised to compensate for the acquisition of that land by providing additional parkland, but never kept that commitment. Melbourne will have significant additional open space and parkland after the development of these projects, which is to be commended.

The honourable member for Morwell queried whether Vicroads is capable of carrying out annual inspections of buses. The honourable member failed to understand that although Vicroads will administer the inspection program, most of the work is being carried out by Bus Association Victoria. When he says he has doubts about the efficacy of the inspection program he is casting doubts on the capability of Bus Association Victoria to do that work. The member accused the RACV of being jointly responsible for the criminality in the towing industry. I am sure that when the honourable member's remarks are drawn to the attention of the RACV and its many members, they will note them with considerable interest and will have long memories. The honourable member also made some derogatory remarks about self-regulation, which indicates his ignorance of the system. The honourable members for Essendon and Werribee praised the towing industry for its self-regulation system and their remarks should be drawn to the attention of the honourable member for Morwell.

The important issue I will address briefly is the concern raised by the honourable member for Essendon with the system for driving authorities. Nothing changes for people who drive hire and courtesy buses; they simply have to have ordinary driving certificates and do not need drivers authorities. Drivers of private buses currently require driver authorities and the new system will follow the proper procedures for safety reasons. The government and I do not believe the new system will impact in any adverse way on the operation of buses. If the honourable member can give further details I will be more than happy to consider the issue she raises. I thank honourable members for their contributions and I commend the bill to the house.

The SPEAKER — Order! As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

MENTAL HEALTH (VICTORIAN INSTITUTE OF FORENSIC MENTAL HEALTH) BILL

Second reading

Debate resumed from 8 October; motion of Dr NAPTHINE (Minister for Youth and Community Services).

The SPEAKER — Order! I advise the house that I am of the opinion that this bill needs to be passed on second and third reading by an absolute majority of the house.

Mr THWAITES (Albert Park) — The opposition supports the proposed legislation. The purpose of the bill is to establish the Victorian Institute of Forensic Mental Health, which will provide specialist mental health services to Victoria's criminal justice system.

The Institute of Forensic Mental Health will be set up as a statutory body, comparable to the Victorian Institute of Forensic Medicine which is set up under the Coroners Act and which tabled its annual report today. In passing, I commend the work of the Institute of Forensic Medicine. I look forward to the Institute of Forensic Mental Health performing similar worthy work for Victoria.

The institute will provide policy and planning advice to the government and will carry out research. It will also be the management body for the new 120-bed forensic hospital which is being established on the former Fairfield Hospital site. The institute will be subject to the provisions of the Mental Health Act 1986.

The delivery of mental health services is provided through the Department of Human Services. In many cases the services are contracted through the health network to community organisations and local agencies. That approach is not considered appropriate for services to be provided by the Institute of Forensic Mental Health, and the opposition certainly supports that strategy.

The issues of forensic mental health and the impact of mental health on the criminal justice system are extremely difficult areas as they relate to not only the mental health but also the safety of members of the community. The strategy for the provision of mental health services has been established by the national mental health plan, which has been signed by all states, including Victoria. A further plan is being developed and will be submitted to the health ministers council.

It is worth emphasising that the mental health strategy was developed by the former federal Labor government as part of the national health strategy. That well-planned approach demonstrates the superior management of health policy of the former federal Labor government compared with the current Liberal-National Party government. The former federal Labor government established a national health strategy and much of the work was done by the current federal shadow minister for social security, aged care and community services, Ms Jenny Macklin. That work was extremely well regarded as a successful approach to formulating policy based upon research and good planning.

By contrast, the current federal government is pouring subsidies of well over $1 billion into private health insurance, which is now seen to be a completely failed policy. The federal Minister for Health and Family Services, rather than setting out a plan for future health care, seems to be merely reacting to problems, responding to the squeaky wheel and operating on a knee-jerk or ad hoc basis.

The Victorian government's approach to mental health is to follow the provisions in the national mental health strategy which was set up under the previous federal Labor government. The Victorian government's policy is set out in the document produced in 1994, entitled *Victoria's mental health services: the framework for service delivery*. That document supports the national mental health policy and plan.

Last night a seminar was held at which the current director of the Aged, Community and Mental Health Division of the Department of Human Services, Ms Jennifer Williams, reaffirmed the government's commitment to the mental health strategy. She is moving on from that position to take up the new job as the temporary head of the Austin Hospital, prior to the government's sale and privatisation of the hospital. I am sure that Ms Williams will have a job waiting for her back in the department, because I imagine that she will be at the Austin Hospital for only a short while before the 'for sale' sign is put out the front and the hospital is sold to a private health company.

The priorities identified in the Victorian policy are worth restating. They are: mainstreaming mental health services; delivery of what is termed a seamless, integrated and balanced range of services; an increase in the provision of acute in-patient care in general hospital settings; and a redirection of funds into community treatment and support services. I might say that 'seamless' is a word that we quite often see used by the government in its propaganda documents.

For consumers I think the word 'seamless' probably has a different meaning. While the approach might seem better for the government, for consumers it actually means that they are getting less. We see that, for example, in mental health, where major cuts were made to acute and long-term services, and although the comment was made that that money

would all be redirected to community support for people with mental illness, that did not occur.

The opposition supports the principle of deinstitutionalisation — that process was started many years ago and was continued by the former state Labor government — but many of the dollars that were saved by the government in closing institutions were not transferred to mental health services and instead ended up in the pocket of the Treasurer. As a result people with mental illness have not received the sort of support that they deserve.

Returning to the document and the plan, Victoria has proceeded with the mainstreaming strategy, which is to treat people with mental illnesses in hospitals and in mainstream services, and has proceeded to spend more money in the community on mental health. The ratio is well over the 50:50 mark, with something like 70 per cent in favour of community-based services. The 1995 report on mental health, the national mental health overview, shows that Victoria has a relatively high per capita expenditure on mental health, and the government uses that as a defence when criticisms are made about the level of expenditure on mental health in Victoria.

However, it must be emphasised that the reason for that level of expenditure is that the previous state Labor government established Victoria as the state that puts the most resources into mental health. The government cannot use that as any sort of excuse for continued cutbacks on services. The former Labor government made some very great contributions to the provision of improved mental health services, and indeed in another area that the minister at the table is concerned with — the provision of services for people with intellectual disabilities. One of the main contributions early on from former Minister Roper was to separate out those services because for many years people with intellectual disabilities had been lumped in with people with mental illnesses. Of course that was inappropriate and led to services that were not properly directed, so the reform that Mr Roper introduced was a very real one.

The current and previous health ministers have on many occasions been quite happy to take credit for Victoria's achievements in mental health. In doing so they ought to be honest and admit that most of those achievements were established by the previous state and federal Labor governments. The credit for a relatively high rate of spending on mental health in Victoria must be given to the previous government and not to the current one.

Nevertheless it is appropriate to point out that, despite the claims by the current government of high levels of expenditure in mental health, Victoria recorded a decline in mental health spending between 1992-93 and 1994-95. Spending went from $73 a head in 1992-93 to $68 in 1993-94, with a slight recovery in 1994-95 to $71.70. One of the key recommendations of the national mental health strategy was that all states should maintain their levels of spending on mental health. Victoria has not done that. The current government has breached that provision in the strategy and has decreased its expenditure on mental health.

That has happened because the savings made on the closure of large institutions have not all been diverted into other areas of mental health. The result has been a decline in the number of bed-based services to 33.5 public psychiatric beds per 100 000 head of population, which was lower than any other state. Not surprisingly, as a result of that there are some real concerns about the lack of bed-based services in Victoria and the inappropriate discharge of patients.

I am aware, as I am sure are other honourable members, of some stories of patients being discharged from hospitals where they were meant to be cared for because there were no beds available, sometimes leading to tragic results. Earlier this year I was contacted by a family who told me that a man in his 40s had been discharged. It was a Friday and he was told that the place where he was a patient needed the beds for the weekend. The pressure is often greatest at weekends. He committed suicide shortly after being discharged. It is very difficult to predict what is going to happen.

Doctors and hospitals are put in a very difficult situation because one cannot always predict the outcome. However, when the number of beds is reduced to the level that exists in Victoria unfortunately there is a greater likelihood of tragic outcomes when people are discharged. Given that savings were made by the government in mental health following the closure of institutions I urge the government to put back some of those savings into additional bed-based services so that the problem of early or inappropriate discharge can be overcome.

I now turn more closely to the activities of the Victorian Institute of Forensic Mental Health. As honourable members would be aware, one of its

major roles will be to manage the new facility on the old Fairfield Hospital site. There has been a good deal of community and environmental concern about the closure of Fairfield and the way in which this new facility has been implemented. I do not propose to canvass all those concerns here, although there may well be comments from other honourable members about that.

However, in the debate on this bill it is important to comment on some of the issues associated with community relations because it will be an important consideration for the proposed institute. One of the aims of the bill in setting up the institute as a statutory body and defining very closely its functions and the members of the council and staff is to raise the institute's professional status and attract high-quality staff. Forensic mental health, or forensic psychiatry, is a highly specialised area that is affected by the double stigma of mental illness and criminality. The bill is designed to encourage the development of a high-profile institution that will raise the status of this professional field in Victoria.

I might digress and point out that forensic psychiatry is an area which, as well as being of significant professional importance, is often the subject of books, movies and television programs of fiction. Many honourable members will have read crime books such as those written by Patricia Cornwell and others in which forensic psychiatrists are portrayed. In those sorts of books the psychiatrist attempts to understand the motivation of serious criminals and to use that information to assist in their apprehension. Of course, such novels are extremely popular. They should remind us that people's feelings about crime and mental health are complex and ambivalent. Often the cases evoke feelings that are a mixture of fascination and repulsion. But, more prosaically, some parallels can be drawn between the work of the fictitious characters and the real work of forensic psychiatrists. I am sure some of those things will be the subjects of consideration by the institute.

The key objective of the aim to raise the status of the profession in Victoria is to raise the quality of services, including direct care, research policy and planning services. In this respect the opposition certainly supports the bill, as it considers that intent to be commendable. However, I point out that it is important for the institute to maintain good community relations and to be seen to be a good local citizen. There is some concern about the planning approach to the building of the facility on the former Fairfield hospital site. The fault does not lie with the institute or the very eminent people who will no doubt form the institute, but rather with the Minister for Planning and Local Government, who has not handled this process at all well. He is known for his high-handedness. In his somewhat eccentric and quirky planning style he has attempted to stack the local community consultation committee and direct its actions. As I understand it, the committee has been given very little notice of the proposed legislation and has had little opportunity to consider and comment on its significance for local planning.

It is unfortunate that such an important institute should be created at a time of lack of consultation because it will not produce goodwill. The bill falls within the area of responsibility of the Minister for Health, not the Minister for Planning and Local Government. Usually the Minister for Health is a little more consultative, although in this case the consultation also falls somewhat short of what might be desired. Numerous organisations that the opposition has consulted had little or no knowledge of this bill. It appears that not even the Mental Health Review Board had been consulted during the bill's preparation.

The minister's second-reading speech says the council which is established to manage the institute and which reports to the minister will have community representation on it. However, so far as I can see that is not specified in the bill. That is of concern to the opposition. The bill specifies that one member of the council must be appointed to represent the interests of patients, but, as I said, I could not find mention of representation of the broader community. Perhaps the parliamentary secretary will be able to enlighten me on that.

Members of the legal profession have also expressed some concern about the limited representation of their profession as specified in the bill. I urge the minister or the parliamentary secretary to bear that concern in mind when appointing the council.

It is important to raise those concerns in this debate because of a somewhat unusual provision relating to directions. One provision specifies that the minister may give the institute any written direction that he or she thinks fit. It appears to be somewhat contradictory, when setting up an allegedly independent body, to insert a provision that apparently gives the minister power to direct the institute. The provision gives the minister an unusual degree of control or influence. The opposition has some concern about that provision and why it is being inserted. Forensic mental health

is obviously a controversial area, but the opposition is concerned about a potentially heavy-handed attempt to control the institute's actions.

Another issue of some concern to the opposition is the provision that allows the institute to impose fees and charges for services. There is no doubt this government is hooked on the user-pays philosophy, which is the American philosophy in health care that says you get the services if you can afford them but you miss out if you cannot.

In his somewhat hysterical response during question time the other day, the Minister for Youth and Community Services talked about not wanting millionaires to be able to receive services without paying. But there are many people who come between the millionaires at one end of the spectrum and those who might be pensioners at the other. Many people in the community do not have much money. They may be workers on low incomes or other people with a limited form of income, whether it be superannuation or whatever. Those people will miss out on services as a result of the application of the government's user-pays philosophy. The bill certainly allows for charging on a user-pays basis.

There is some concern about the charging of involuntary mental health patients in hospitals. As I understand it, the current situation is unclear. It appears that in future there may well be some proper resistance to the charging of mental health patients which is currently occurring on an ad hoc basis. In these circumstances it would be appropriate for the government to clarify the policy on charging and why it has been considered necessary to insert the provision in the proposed legislation.

The bill also requires the institute to prepare a corporate plan. However, the opposition is concerned that parts of that plan may be protected under so-called commercial confidentiality, and that could raise issues of public accountability.

Finally, I return to the mental health strategy and its implications for the institute. As I said, the new directions for mental health were discussed at a seminar last night convened by Mr Brian Howe for the Melbourne University Centre for Public Policy. Several speakers at the seminar commended Mr Howe, a former federal health minister, for the outstanding contribution he has made to the development of mental health policy in Australia. Although, as I mentioned, the current plan is still to be fully considered by the health ministers council, the speakers at last night's seminar represented a broad range of expertise. I believe we can have confidence in their predictions. One of the predictions for future directions is that serious consideration will be given to the definition of serious mental health. This has been a contentious area, and a further refinement is likely to be needed.

Another possible new direction is the promotion of good mental health and prevention measures. That is a feature of government policy. It was certainly the policy of the previous Labor government, but sometimes I think it has been honoured more in the breach than in the practice. The acute end tends to get the resources and often the real gains that can be made in prevention have not been fully addressed. That is something we all need to do a lot more work on. Prevention must be given a higher priority in the future.

Most of the initiatives in that area to date have been in community education, but we need to emphasise the role of research in prevention. The institute may well be able to provide some of that research, and I am sure it will. One might think at first glance that the institute's function will be the opposite to prevention, because it is dealing with the failures, if one likes, or the individuals who have come into contact with the criminal justice system. However, the new head of the institute, Professor Mullen, has very extensive experience in this area. He did work with Martin Bryant, who committed the terrible murders in Tasmania. The work of Professor Mullen was detailed in a fairly long report in the *Age* last November which was simply entitled 'Why?'. Martin Bryant was described at the beginning of that article as:

> dull, pathetic, isolated and, on the evidence of his murderous crimes, a malevolent figure.

Professor Mullen interviewed Bryant in depth and the article illustrates clearly how he was able to obtain some insight into Bryant's mental and emotional state. At first Bryant denied that he suffered any depression yet, with later questioning, admitted to some of the depths of depression and distress he felt in the months and years leading up to the mass shootings at Port Arthur. That, of course, in no way excuses him for those terrible deeds, but one of the jobs of the institute will be to examine that sort of case to see whether it can be avoided in the future.

Prevention in mental health goes a lot further than preventing criminality; it is aimed at reducing right across the community the problems in mental health which, as we all know, are huge. There would be

barely a member of this place who would not be touched by mental illness in one way or another, through family members or friends or, indeed, themselves. There is a much greater level of understanding in this place as a result of the personal experiences of a number of members and the very effective way in which that has been communicated in this house. I look forward to all of us working particularly in the area of prevention and promotion. I look forward to the institute that is being established by this legislation playing a key role in that.

Government amendments circulated by Dr NAPTHINE (Minister for Youth and Community Services) pursuant to sessional orders.

Mr DOYLE (Malvern) — I am delighted to join the debate on the Mental Health (Victorian Institute of Forensic Mental Health) Bill and welcome the support of the opposition for the bill. As the Deputy Leader of the Opposition said, the bill amends the Mental Health Act 1986 and establishes the institute as an auspicing body. It also creates the council of the Victorian institute to provide a wide range of services in what is a very small but highly specialist area of psychiatry.

I shall pick up a couple of the points made by the honourable member for Albert Park. I shall refer to one of his final points first, the very valid point he made about research. What we are hoping for by creating this institute and the council as its governing body is a world centre of excellence not only in the provision of treatment and assessment of mental health, but also in professional and community education and, of course, research.

We certainly see research as a major component. I refer to the apparent contradiction referred to by the honourable member for Albert Park that an institute dealing with those people who unfortunately have fallen foul of the system may not be seen as being a powerful impetus for research and for prevention of such things, but we certainly hope that that is so. We are delighted that the world renowned expert, Paul Mullen, has agreed to be the clinical director of the institute. I would think both sides of the house would join in welcoming his acceptance of that role.

I might say, however, Mr Acting Speaker, that I thought it a little unfortunate that despite the fact that the opposition supports the bill — we certainly welcome that — there was a certain self-congratulatory tone in the remarks of the honourable member for Albert Park about past Labor governments and what they seem to have done for the national and Victorian mental health strategy. Despite the fact that he described the government's mental health publication as propaganda, nevertheless the honourable member affirmed the four principles of mainstreaming, seamlessness, acute in-patients being placed in general hospitals to minimise the stigma that goes with patients with mental illness, and moving resources to the community.

Although I do not want to labour the point, it is interesting to note that Victoria's record in moving resources into the community stacks up well against other states in Australia and, indeed, any other comparable countries in our region and I think our record stands proudly. Victoria was the first state, for instance, to move more than 50 per cent of its mental health budget into the community aspect rather than acute inpatient facilities, and that needs to be recognised as well.

While I do not decry the opposition's support and I am grateful we have it, there comes a time when it is very useful for those in this place to show a united front to the community, particularly on something which is contentious and sensitive — and which can be sensitive in the extreme, such as very serious psychiatric illnesses. It would be beneficial if we presented a cooperative and united front rather than seeking to score points across the political spectrum, because there is certainly no such intention on this side.

I apologise to the Deputy Leader of the Opposition that I did not pay full attention to one of the points he was making. I would certainly make this offer to him now, and perhaps we can clarify it at some later stage either this evening or tomorrow: he mentioned a patient he knew who was discharged from hospital because there was no bed who subsequently, most unfortunately, killed himself. If the Deputy Leader of the Opposition provides me with the details of that case I will be pleased to follow it up. I would be interested to know whether that person had been diagnosed as a patient of one of our mental health facilities and what went wrong. I make that offer in good faith. I will be pleased to follow up that individual case for him and to provide an explanation of what happened.

One point that the Deputy Leader of the Opposition raised which I think is particularly important, and I hope the honourable member for Warrnambool will raise it in subsequent debate, is the question of the representation on the council and what the intention

of the government is by the wording in the bill 'at least one'. That intention exists, as the honourable member for Warrnambool will point out, and we can reassure the Deputy Leader of the Opposition on that issue.

The Deputy Leader of the Opposition also mentioned what is really a total redevelopment of our forensic mental health services in the facility at Fairfield. It would be appropriate in this debate for us not to seek to score political points about federal or state Labor or coalition governments but to instead seek a collaborative approach.

We would all agree, and I think the point is well made, that this house has come to a greater understanding and sensitivity of these issues. In this area of treatment, care and security we are talking about mentally ill clients some of whom are our most serious offenders and some of whom are Victoria's most problematic non-offenders — involuntary psychiatric patients. It is most important that we present a united front on this issue and agree on a way forward for treating these difficult people in the community.

The highest priority patients are those who have committed a homicide or serious offence against the person where the mental illness has either been causal to or associated with dangerous behaviour. There is a shortage of secure forensic psychiatry hospital beds in Victoria — currently we have 60 such beds in the state — and the Fairfield facility will provide 120 such beds. It is important to recognise the level of commitment the state government has made, not just at the institute and the council and the work that will go on at Fairfield, but also to the redevelopment that is necessary. I will come to why Fairfield is an ideal site when I take up the point about planning made by the Deputy Leader of the Opposition.

The government recognises that the existing 60 beds are placed in areas that might once have been appropriate — that is, the facilities at Rosanna and Ararat. It is true, though, that as services have been contracted and we have moved more of our resources into the community we are now left with two facilities that are located in very large institutions. People are becoming increasingly isolated in those institutions and the fabric of those places is running down. We can all breathe a collective sigh of relief and as a Parliament congratulate ourselves that with the closure of those two facilities we will be moving into a new era of service provision in this important area.

The cost for the construction of the 120 bed facility which was approved in March 1995 was approximately $25 million. That is no small contribution to the fabric of facilities in the state. It is interesting we are debating this issue now. Work commenced on the site on 14 October and it is due for completion in late December 1998. The thing that underpins the process, and again this comes back to the support of the Labor Party, is the public policy of providing proper mental health services that underlies how we effectively treat our most disturbed mentally ill offenders. It is an imperative because treatment is often effective in directly reducing the potential harm that difficult clients might otherwise pose to the community, and when we are talking about the non-offending clients, to themselves or to those who care for them.

No country can point to its record in this area with pride. It is a problem for every country I have visited. We can congratulate ourselves that what we are doing is at the forefront of what is being done elsewhere in the world. It is also true to say, and I think this is one of the points the Deputy Leader of the Opposition made when he talked about having such an eminent person as the clinical director of the research facility, that we recognise there is a shortage in Australia of skilled specialist forensic psychiatry professionals. We need to look at addressing that shortage.

Part of the answer concerning the planning process focuses on where the facility is best located. If you are going to locate a redeveloped forensic psychiatry service in a central metropolitan location it has to be close to a number of things; that is why you put it there. It has to be close to universities, large teaching hospitals, courts and justice services. Location becomes a key issue in relation to attracting and maintaining quality professional staff. That is why the Fairfield site presented such an ideal opportunity to the government. I hope the honourable member for Preston in his contribution might take up that point and talk about the necessity of generating a critical mass that has all of these things going for it so we can develop the work force in that way.

We also need to think about the attachment of teaching institutions and of all the allied professionals to facilitate adequate trainees being produced and to counteract the steady flow of staff who are exclusively involved in the facility, because that results in the closed institution phenomenon, which I do not think is healthy in these sorts of facilities.

The question of why the government chose Fairfield concerns the planning problem raised by the Deputy Leader of the Opposition. The land is owned by the government, is reserved for health purposes, is available for immediate development and has significant buffer zones. As the Deputy Leader of the Opposition said, that is very important when one considers it as being a good citizen. It is separated from residential development, it has natural landscape features that will shield the facility from the extra parklands that are to be created there, it is central and it meets all the criteria I put forward earlier about having the right kind of nexus. It is also close to the centre of the city.

That geography of the site is very important. At first glance some things appear to be more esoteric but they are equally important. One notices that the site provides an impression of openness. It has attractive views, which is important for the management of the patients who will be accommodated there. Many of those people will be there for many years — perhaps even for decades or their whole lives. The importance of their quality of life should not be underestimated in the choice of a site.

The Deputy Leader of the Opposition detailed local objections to the site. I certainly do not minimise the importance of local objections. But this is where a united front from Parliament is particularly important. There are misapprehensions in the community about these unfortunate patients and clients escaping and about the damage they might do. There have been accusations that there will be absconding by dangerous patients and that the buildings will be imposing, intrusive or ugly. One of the most consistent planning objections has been that it will encroach on public parkland in the Yarra Bend Park precinct and reduce the attractiveness and amenity of the overall area.

All of those objections have been addressed and satisfactorily resolved, including the fact that parkland will be added to, not detracted from. There comes a time when the Parliament has to say to residents who will go on objecting to a facility of this type, 'Enough. We have to put it down somewhere'. And for all sorts of reasons this is the ideal location.

The site is bounded by Yarra Bend Road, the balance of the former Fairfield infectious diseases hospital, including the AIDS memorial garden, and Yarra Bend Park. It is 7 hectares in area. I would argue that we have found an ideal site. Some people may go on objecting forever but it seems we have to at some point say, 'We have made a decision about this. This is an ideal site, and it is too important not to proceed with this immediately'. That is why building has begun.

It is always difficult to get excellent specialist forensic staff. Recruitment is difficult and services are expensive. It is best that we provide it on a central statewide basis by one specialised agency which can be organised to promote a critical mass of expertise and a culture of excellence which, we hope, will attract the best from other Australian states and overseas. That is part of what the Deputy Leader of the Opposition was saying, and it is certainly the vision of the government.

Our health care networks, excellent though they are, have no experience in the provision of these services, no expertise with this type of patient in the criminal justice system. Again, I think the member for Preston would wish to take up the interface between the criminal justice system and the health system.

We have a dedicated statutory authority with strong accountability. We make no apology for that. We do not see it as a secrecy thing. There is a reporting line from the board of management, which is the Victorian Institute of Forensic Mental Health council, to the Minister for Health, and the institute is headed by a professor/director. That provides a strong accountability arrangement, which is obviously important.

The government believes it will be the vehicle for competent management. It will create a centre of excellence and will have a public profile that engenders confidence in both the criminal justice system and the Victorian public.

I agree with the concluding words of the Deputy Leader of the Opposition, who said he hoped it had a culture of service excellence. I also hope that will be the case. I hope we will attract the very best of people from interstate, overseas and within Victoria to work in the institute and to serve on the council. I welcome the opposition's support and wish the bill a speedy passage.

Mr SHEEHAN (Northcote) — I welcome the opportunity to make some remarks on the bill, which in some ways is the conclusion of a rather long saga concerning the development at Yarra Bend and the break-up of the Fairfield hospital.

The first remark to make is that what we are really dealing with in the Victorian Institute of Forensic Mental Health is a gaol, a gaol that is being put in an

urban park. In a community sense that is unacceptable, and it is environmentally unacceptable. This is not an institute at all, and it has very little in the way of academic function or purpose — it is a gaol.

Two points should be made about developments on the site. Yarra Bend Park is a beautiful area of original bushland very close to the city of Melbourne. Not many cities the size of Melbourne have bushland so close to a central location such as the GPO. It is a wonderful bushland area with a mixed history. It has housed a number of different public-purpose buildings over many years. To some extent the previous Liberal government destroyed its potential to be a really outstanding urban park when it put a freeway through the middle of it. It was unnecessary to put the freeway there; other routes were available. It has effectively cut the park in half. To add insult to injury, a gaol is now being put on the site.

Broadly speaking, the site in question is similar to the Fairfield infectious diseases hospital site, and a number of issues should be put on the record concerning the break-up of that facility. It was an internationally renowned health research facility. Its break-up resulted in a clear loss of institutional knowledge, which was fragmented around the city, and a loss of security for Victorians in the sense of having a hospital of international renown in Melbourne — particularly in these days of potential outbreaks of infectious diseases. We appear at a time of great vulnerability to be rushing towards reducing our defences.

Apart from that loss of institutional knowledge, the break-up of the hospital and the research base caused enormous anxiety for patients, in particular the polio and AIDS patients. The trauma those two groups have gone through because of the break-up and redefinition of the hospital has been quite extraordinary and, by and large, it was dealt with in an insensitive way. The loss of Fairfield hospital has been enormous to Victoria's reputation and resources in the health area.

Following that decision — a major decision by any accounting — has been the decision to put a gaol on the site. We lose a hospital and research facility of international reputation and what do we do? Whack a gaol into parklands within a few kilometres of the GPO. It is quite inconsistent with any sense of security for the local community. It was vigorously rejected by the people of Northcote, Fairfield and Alphington, who saw it as a great threat to their communities and still do. They resisted it vigorously through all the avenues of appeal open to them and were ultimately frustrated by the government.

The location of the gaol is an issue of considerable community concern. I wonder how many people opposite would contemplate the siting of such a facility so close to a residential community. If it were to be sited on the other side of the river you can be sure the proposal would have been short-lived. But obviously anything goes when it comes to Labor electorates. It is quite extraordinary to decide to put that sort of facility within metres of people's backyards, and it is one of a whole range of indefensible decisions. The government cannot pretend to have any sensitivity towards the community if it did not take the opportunity to demonstrate that sensitivity by deciding against putting a gaol on that site.

There are also a whole range of environmental issues. Yarra Bend Park has enormous potential. Improvements over the past 10 to 15 years, including the upgrading of the golf course, the regrassing of a lot of the area, the planting of native grasses and the suppression of rabbits and foxes, have resulted in considerable regeneration. The area has been turned into a great multicultural facility and it has been promoted on that basis. Some years ago the honourable member for Richmond and I figured in a dispute with a previous Labor government about the proposal to put powerlines along Merri Creek, essentially bisecting the park. We did that at considerable political risk to ourselves and against the explicit wishes of the Premier and ministers at the time, but we did so as a reflection of genuine community concern over the visual impact of those powerlines on the park, the effects on amenity and the health fears associated with the powerlines.

In the end we won that battle. There is not a person, despite the criticism we took at the time, who would say we were wrong in adopting that approach. It was clearly inappropriate to put the Richmond-Brunswick powerline through parklands. Now we have a gaol there, which is environmentally inappropriate. Parklands are for the people and urban parklands are precious.

The Yarra Valley has been protected by governments for 30 or 40 years. The former Labor government, the Thompson and Hamer governments and the Bolte government protected that region and the advisory committee for the Yarra

parklands was one of the major achievements of both Liberal and Labor governments.

Some people will remember the difficulties involved in getting the former MMBW farms off what is now beautiful parklands in the lower and middle Yarra areas. They were replaced with bike paths, footpaths and forest and wetlands areas. They are the pride of Melbourne. A gaol would not be contemplated in any other part of the Yarra Valley. It is extremely difficult even to have historical buildings modified along the reach of the river, yet this government is putting a gaol there! Imagine putting a gaol in Ivanhoe, Heidelberg, Viewbank, Eltham and Banyule! Honourable members will recall the struggle to develop sporting facilities between Bulleen Road and the Yarra River in Bulleen. Most people would consider sporting ovals almost compatible with that environment, except perhaps for the over-development of the Veneto Club. Imagine the furore if the former Labor government proposed to build a gaol where the Veneto Club is now situated? Yet this government, with its renowned insensitivity for environmental and community concerns, is building a gaol in an area that is more densely residential than anything further up the Yarra! It is an extraordinary violation of environmental values, an intrusion on the community and a blight on what otherwise has been 30 or 40 years of redevelopment of the Yarra River and its environs, a redevelopment of which Melburnians and Victorians are justly proud.

The development puts at risk this nonsense about buffer zones and the planting of trees. It is an outrageous proposition to put a gaol in an urban parkland surrounded by densely populated areas which, despite the development of a freeway through part of that parkland, is a world-class urban parkland.

The area is already attractive to international visitors. I visit the parkland almost every day because it is within the boundary of my electorate and the number of overseas visitors to that area is staggering. Instead of enhancing the area and capitalising on its potential the government is building a gaol in the centre of the parkland.

The bill has a misleading title. It is not an institute of forensic mental health, but a gaol. It has little academic support or integrity but is a gaol and as such its location in a sensitive area is against the wishes of the community, is environmentally unacceptable and destroys decades of development in the Yarra Valley.

Honourable members opposite may reflect on how they would respond if a Labor government had attempted to build a gaol anywhere along the environs of the Yarra River with its many open spaces. I am sure the proposal would have been greeted with horror. Because this is a Labor electorate the government is sticking the boots into Labor people. The proposal will devalue the parkland.

Although the decision to proceed with the gaol will not be revoked we can make sure that the remaining facilities are put to sympathetic environment and community uses that are a credit to Melbourne. I understand the government has a number of exciting proposals for the use of the hospital site. Some of the proposals are more sympathetic to the environment than others. At least one of the proposals is inappropriate because it will involve a large amount of traffic and intensive use of the site. If that proposal proceeds you double the harm of having a gaol in the area. As I said, other proposals are sympathetic and will enhance the parkland. I urge the government in considering the future of the hospital site to think carefully about the values that both Labor and Liberal governments have previously adhered to when approving uses along the Yarra Valley.

Some uses, such as a gaol, are inappropriate. However, although I am not at liberty to elaborate on them here, proposals have been placed before the government that could enhance the remaining areas. The proposals would be consistent with a decade-long approach to management of the lower and middle Yarra regions, would be strongly supported by the local communities and would be environmentally sensitive. I urge the government in considering the future use of the site to have regard to issues of community sensitivity and environmental appropriateness.

Mr J. F. McGRATH (Warrnambool) — I welcome the opportunity to speak on the Mental Health (Victorian Institute of Forensic Mental Health) Bill. I am disappointed with the tack taken by the honourable member for Northcote. While I understand his concerns about his local constituency, I am concerned that people keep wanting to push back the public image of mental health in the community at large. It is important to address the issues so that the community has a strong, basic understanding of mental health.

The Deputy Leader of the Opposition showed a very strong empathy with people with mental health

problems in expressing his lack of opposition to the legislation. I would like to think this is one issue on which we can cross party lines and push the issue forward. When the Deputy Leader of the Opposition mentioned Brian Howe, I said 'Hear, hear,' because I concur that as federal minister Brian Howe was visionary in being prepared to undertake the national mental health plan in 1992. The outcome of that plan has been significant.

I have a personal interest in and I mix with many people who are involved in mental health. Whether they are carers, consumers of mental health services or professionals who work in the field, all of them, to a person, will tell you that the cause has been advanced significantly through the many facets of the mental health plan. One of its fundamental facets has been to recognise the enormous potential and intellectual capacity that exists within the consumer and carer movement.

As part of the grouping that was put together under the mental health plan, both at a national level and a state and territory level, it was demanded — not suggested, but demanded — that consumers and carers be involved in planning. As a result of that, we have seen a collective of groups come together, sometimes with very disparate views, having very stimulating and sometimes quite frightening debates. At the end of the day they have been able to agree to disagree, but at all times they have been able to push out the boundaries.

When I heard the Deputy Leader of the Opposition talking the way he did, it gave me a nice warm feeling inside because we have advanced a long way to get to where we are today in Victoria. Of course, we would like to be further advanced; there is no doubt that there is much to do.

Recently I had the pleasure of inspecting facilities in London and Dublin and I can tell honourable members that I am very glad my boy is receiving mental health services in Victoria and not in London or Dublin. I know we should not go to a lower denominator to make a judgment, but considering how long services in London and Dublin have been in the process known by the magic name of deinstitutionalisation or, better still, taking the services to the community, Victoria is light years ahead.

I acknowledge that the process was started by the Honourable Maureen Lyster when she was Minister for Health. I can remember having a stimulating debate in my electorate office in Warrnambool about the process. I remember her saying, 'You ought to come to Melbourne and hear a speaker at the Old Melbourne Motor Inn who will talk about the importance of this program', and I remember coming down to listen to her. The provision of mental health services is owned by both sides of the Parliament. We all have a hand in the process, and tonight it has been demonstrated again that we have an opportunity to pick it up and push it that bit further, because we have a long way to go.

The Deputy Leader of the Opposition talked about prevention programs. I am sure that we will be able to come up with a magic formula or the parameters of a plan that will address that matter, although it is a huge task. If we consider all aspects of business and community today, the stresses and pressures that we allow ourselves to get under have the potential to harm our mental health. It can start with merely a stress that progresses to a depression that can end up becoming a major mental illness.

We need to consider the importance of the clinical research that is being undertaken by people such as Professor David Copolov at the Mental Health Research Institute, and professor Paul Mullen, who will take a special responsibility in the new facility, which will not be just a hospital providing services. I reject the name 'gaol' that was put on it by the previous speaker. This facility will attempt to address the mental health problems of people, and that is the fundamental reason why they will be there.

The Deputy Leader of the Opposition referred to the constitution of the council, as I did in the debate in the policy committee room. As I have said, Brian Howe acknowledged that consumers and carers have an enormous contribution to make. If one considers the performance of the various people who have been involved at that level over time, one can see that they have more than justified their contribution because they bring a very practical understanding to the decision-making process. When considering changes such as extending a service, there is no-one better than the consumers of the service or the carers of the people consuming the service to give you a nice round summary, sometimes straight from the shoulder, as to whether they think the changes will work.

My concern with the council is that a single consumer going into a body of that nature could be intimidated and overcome by the tremendous intellectual capacity of some of the people who will fill the board positions. For that reason, the council

will have a representative for consumer advocacy and a community member. I hope these two people will work together and provide support for each other. I have seen that work with consumers and carers.

I serve on a national committee and a couple of subcommittees with a consumer from Queensland and we often tap into each other's expertise and strength. On one occasion we had to face nine psychiatrists around the table. That can be quite challenging, given the sort of jargon they use and the direction they take. I was pleased to hear there will be a structure to accommodate the needs of consumers. I am reasonably relaxed about the matter raised by the Deputy Leader of the Opposition. The intent of the wording of the bill and the second-reading speech is to ensure that provision is made to support people.

The institute will play a vital dual or perhaps multiple role. It will have responsibility for the diagnosis and treatment of people who go into the facility. It will provide treatment at a senior and highly qualified level, so we can expect that people who have suffered mental illness and at times have found themselves at odds with the law will be treated far better than and differently from the way they have been in the past.

Everyone knows that mental health generally has been treated badly in the past; people have been unaware of the service or afraid of it — for a range of reasons — and accordingly it has been the poor relation in health services. As one goes out to fight for the recognition of mental health care alongside acute care or aged care there is a perception that one really has to keep pushing the barrow to ensure that it gets that recognition. Given that circumstance, forensic mental health has been pushed right back. I hope that under someone such as Professor Paul Mullen forensic mental health will gain the significance it deserves and in particular that adequate resources are provided to ensure that we get the outcome we expect. Certainly, the research arm of the proposed institute will be fundamental to its operations. It will have at least two major roles, one in diagnosis and treatment and the other in research. With his international networks Professor Mullen will be able to provide some valuable research not just for Victoria but also for Australia and, ultimately, internationally, on which we will be able to draw. I was delighted to see that we have progressed to this stage.

I can understand in part the honourable member for Northcote's concerns, but it is referred to flippantly as a NIMBY, or not in my backyard, issue. It does not matter what one does with such issues. For example, recently in Warrnambool we wanted to buy a house to provide some extended support services beyond the acute care unit. The reaction we got from the surrounding community was predictable — people thought it was a wonderful idea so long as we did not put it in their neighbourhood. That is something we will always have to battle, so I understood in part what the honourable member for Northcote was saying.

However, at the end of the day we have a responsibility to provide a service that is second-to-none and can be potentially world-class so that the people in Victoria who have a mental illness and are caught up in the justice system are given every opportunity to be treated appropriately so that they can lead lives that are the most suitable and appropriate given their circumstances. I welcome the opposition's comments. I wish the bill a speedy passage through the Parliament.

Mr LEIGHTON (Preston) — In joining in this debate I will try to keep my comments brief because I am aware that other members also wish to make a contribution. I congratulate the honourable member for Warrnambool on his comments. I have seen mental health as a professional but he has seen it in a way that I never have as a family member, and I am sure he understands and feels things that professionals can never understand from the comfort of their position.

I welcome the proposed establishment of the Victorian Institute of Forensic Mental Health. As the honourable member for Warrnambool pointed out, mental health has been the poor relation in health services. If mental health services have been the poor cousin of general health services, it is fair to say that forensic psychiatry has been the poor sibling of mental health services. Clearly, it has been one of the most neglected areas of mental health, and nobody has ever wanted to know about it.

I also welcome the opportunity to revisit a former professional and industrial life in speaking on this bill. Firstly, to understand the development of these services, it is important to realise that general health services grew out of the old hospitals and charities — a charitable model — whereas mental health services grew out of prisons. It was no accident that for many years prisons and mental hospitals were housed together in the Chief

Secretary's Department, and it was only over some time that they were recognised as a health service and that the staff working in them were acknowledged as health professionals.

During my training in the 1970s, from the perhaps relative safety of Royal Park, which was a modern acute care psychiatric hospital, people like me were given a brief placement or at least a flying visit to a forensic service such as J Ward or the G Division clinic at Pentridge Prison or the forensic units at Mont Park.

Any of us who came into contact with those patients later in our careers found that we were sadly unprepared. However, we did understand one thing, that is, that in those days if you wanted a career in mental health you avoided forensic psychiatry. You could easily get a job there because they were short-staffed; you could go there for quick promotion, but then you could not get out. It was regarded as the pits, and the staff were regarded not so much as poorly trained as not keeping up clinically with the latest methods in psychiatry. There was always a reluctance among other services to take back staff who had gone to work in forensic psychiatry.

The honourable member for Warrnambool mentioned a former Labor minister, Maureen Lyster. Without downplaying her efforts, the Labor minister that I would single out is Tom Roper. During the 10 or 11 years of state Labor governments, he originally put mental health on the agenda, at a time when there was growing budgetary pressure on public hospitals. While the Mental Health Act 1986, which this bill amends, might have been introduced under another former Labor minister, David White, the work of drafting that bill was initiated by Tom Roper. Perhaps that was a key development in understanding where we are today with forensic mental health services. Under the previous Mental Health Act — I think it was proclaimed in 1958 or 1959 — it really did not matter whether you were mad or bad, intellectually disabled or suffering some form of substance abuse, the former Mental Health Authority had a home for you and there was not much attempt to distinguish between the various illnesses or disorders.

The Mental Health Act 1986 was important firstly in separating out the various disorders, so that we had a new Intellectually Disabled Persons Services Act 1986 and a Guardianship and Administration Board Act 1986 as well as a more discrete Mental Health Act 1986. A number of features of those acts are outside the scope of tonight's debate, but they introduced such things as community treatment orders, more flexibility with the forms of admission or discharge, and community visitors. Perhaps one of the more important initiatives which is being relied on in this bill is that the 1986 act developed a concept of an approved mental health service. Of course, the institute will be one of those. In the past all we had was a mental hospital or a psychiatric hospital — or back out on the street. The Mental Health Act 1986 gave greater scope for approved mental health services, and this bill certainly relies on that in establishing the Victorian Institute of Forensic Mental Health.

A couple of other important things happened during the 1980s. Firstly, there were moves to close J Ward. The first time I visited that ward I would not have been able to cope if it had not been for my psychiatric training. It was a pretty grim place to visit. Although in the end we were better off moving that facility into the Aradale mental hospital, for the sorts of reasons that have been outlined by a number of speakers tonight, putting a facility up in Ararat was never going to be terribly satisfactory.

One of the difficulties has been the shortage of psychiatrists, especially in this area. It is hard to attract them to a facility like that in Ararat. I remember on one occasion when I was up there I flippantly commented to a journalist from the *Ararat Advertiser* that just as we have a Flying Doctor Service we needed a flying psychiatrist service. The journalist took my comments literally and the next day the headline on the front page said that as a result of a joint HEF and state government initiative Ararat would receive a flying psychiatrist service. That highlighted the difficulty in getting trained people to the area.

I suppose the closure of J Ward, which was modelled on the Old Melbourne Gaol, was a step in the right direction, but much more was required. In the 1980s we saw the establishment, particularly inside Pentridge Prison, of prison health services. In the end I think they were referred to as corrections health wards. That was an important step towards recognising the rights of people who were incarcerated to have access to a range of health services, notwithstanding their incarceration. It was important to provide services at the interface of corrections and health. Again, the bill before the house builds on that.

Even in a number of areas that are not the direct province of psychiatry, such as antisocial personality

disorder, I still believe mental health professionals have much to offer through their training. In some cases they have unique skills. I would like to see much more activity with Corrections, Health and the Attorney-General coming together to provide services to people in gaols.

I shall comment briefly on a couple of specific clauses of the bill. The guts of the bill is really clause 5, which amends the Mental Health Act. I have already commented on proposed section 117D, which will have the effect of recognising the institute as an approved mental health service. Proposed section 117H provides for the appointment of a clinical director, who I understand will be Professor Paul Mullen. If I recall correctly, I met the professor at a forensic psychiatry seminar in New Zealand in 1991. I am certainly aware of his work over the years, and I believe he is an outstanding choice to head the institute.

If I am allowed the luxury of putting on my old HEF cap, I note the reference in proposed section 117J, which recognises the public service status in the public service superannuation entitlements of staff. I agree with that. It is important if the institute is to be adequately staffed.

The planning processes have been addressed by the honourable member for Northcote. My support of the bill should not be taken to condone any planning processes. In establishing the institute I urge the government to make sure it is well resourced and well staffed and, not only that, that it has the best staff. To go into an area like forensic psychiatry and to keep staff, it must be possible to offer a decent career structure and an opportunity to maintain and develop clinical skills. In my opening remarks I said this area had been a backwater. We need to make it the cutting edge of psychiatry with the best trained clinical staff. I welcome the bill, but in many ways it represents a first step. What follows will be important.

Mrs SHARDEY (Caulfield) — It gives me great pleasure to support the bill, which I believe is very important particularly in the treatment of those who are, unfortunately, suffering from mental illness but at the same time have come within the criminal justice system. I am also pleased to acknowledge opposition members' support for the bill. However, some of their comments need to be addressed.

I shall speak briefly because other members wish to speak before the conclusion of the debate. Victorian forensic mental health services provide for the treatment, care and management of mentally ill serious offenders and also care for some very difficult involuntary patients who are not offenders. It is important to acknowledge that point. Those who have committed homicide and other serious offences against individuals and for whom mental illness is seen to be a cause or related to their behaviour require the highest priority in our mental health system. Many members have acknowledged that this evening. The aim of mental health services is effectively to treat and manage those people — and that is the whole thrust of the bill.

I congratulate the government on its decision to retain forensic mental health services strictly under departmental management and to build a new forensic hospital complex at Caulfield. To my mind forensic mental health is highly complex. It is a sensitive and delicate area that rightly belongs in the domain of ministerial and departmental control, and the bill provides for that. The Deputy Leader of the Opposition seemed to think there was some heavy-handedness in the approach and that it would be restrictive. I believe the opposite: it is such a delicate and discreet area that it deserves that sort of control and treatment from the minister.

As all honourable members have heard, the Victorian Institute of Forensic Mental Health will be located at Fairfield. The honourable member for Northcote had some problem with that, saying it was too close to the suburbs and urban living. That is a little contradictory coming from the opposition in view of the fact that when talking about the Deer Park gaol, which treats not the mentally ill but criminal offenders, it opposed its location on the ground that it was too far away from civilisation, the suburbs and amenities and was putting people into the backblocks. I do not think the opposition can have its cake and eat it, too. Conversely, mental health patients have been treated in the suburbs, mainly at the Alfred Hospital, which is a focus for mental health treatment. Of course, that is in the heart of Melbourne. I do not think the opposition would be opposing that.

The institute will provide specialist mental health services, including treatment and assessment from the courts, prisons, the parole board and other relevant government agencies for offenders with mental health disorders. Specialist treatment or assessment is something we need to focus on because, as has been discussed this evening, it has been difficult for us to attract specialists in this area. I note from experience — my brother is a psychiatrist and his focus is forensic psychiatry —

that many of those people went overseas in the mid-1970s and have not returned to Australia. We need to attract these people, and by creating an institute at a location like this we are providing a focus for forensic psychiatry and forensic mental health treatment. In addition, I understand Monash University is starting up a program for forensic psychology, which is another aspect. I am very pleased there is now a focus for this particular area of need.

Treatment will include inpatient and out-patient services and specialist treatment programs. I am pleased this facility will provide treatment for out-patients because it means people who have had contact with the criminal justice system but who go back into the community will be cared for. There has been much criticism of deinstitutionalisation on the ground that people do not receive care. The bill will provide care for the people who need to be monitored regularly over time. I refer to people with mental illnesses, not disabilities, who need to be monitored to make sure they are receiving the right treatment to cope with their illnesses. The institute will promote and assist in the provision and planning of forensic mental health and related services for the whole state. That is a good focus. It will bring forensic mental health under one body, with planning across the state rather than on an ad hoc basis.

Importantly, communities will be educated and postgraduate instruction and training will be conducted alongside research and development in forensic mental health. I am particularly pleased to see that. If we are to attract people from around the state, from interstate and from overseas, a research and education element will be important. It will be important for clinical research as well as for clinical forensic medicine and clinical forensic psychiatry to have these elements, and the institute will provide that model.

I mentioned that the bill will bring the services together; everyone will be housed in one institution. It has been recognised that in the past it has been difficult to treat people with mental illness who come into contact with the criminal justice system. Such people have been spread throughout the state. This bill will bring all those individuals together.

This bill complements the recent Crimes (Mental Impairment and Fitness to be Tried) Bill, which establishes new procedures to deal with the mentally ill. I believe this bill is particularly important because the institute will provide the mechanism for continuous assessment, which is also an important part of the crimes bill. It recognises that mentally disordered offenders were previously left out in the cold. They were treated unjustly and their needs were not anticipated.

The establishment of the institute, together with the total redevelopment of Fairfield's 120-bed facility, will ensure that Victoria will be the frontrunner. It is important to recognise that Victoria will be leading the field, not just in the state but nationally and internationally. The Victorian Institute of Forensic Mental Health will be managed by the council that is established by the bill. An important element is the strong level of accountability provided. Although various mechanisms are applied, accountability rests mainly with the minister, who has the power to appoint members to the council. Under the bill the minister can give direction to the institute. He also has to approve the corporate plan, an important element of the bill. The minister is also responsible for the appointment of the clinical director, who plays an important role in all of this.

I refer to the opposition's comments about this government's performance in mental health. In closing I shall quote from Professor Mullen, who said when discussing Victoria's performance:

> Monash University professor of forensic psychiatry Paul Mullen says the old model of psychiatric care that saw the mentally ill incarcerated in hospitals for months or even years did as much harm as good. Mullen says the move to treat people as much as possible in their home and in the community is a big advance in the treatment of mental illness, and Victoria leads the world in this approach.
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> In many places around the world when they deinstitutionalised, they [the governments] just took away the money. Victoria has learnt from those mistakes and much more money goes into providing treatment rather than being spent on hospital bureaucracies.

I think it is important to recognise the role being played by this government not just in mental health generally but now, importantly, in forensic mental health. I wish the bill a speedy passage.

Mr THOMPSON (Sandringham) — I should like to make a more measured contribution to the debate tonight in the context of the importance not only of the bill and the assistance it will provide to people in need of treatment and forensic support through the mental health system but also the assistance this

reform will provide to the family members of sufferers of psychiatric disability. I acknowledge the important contributions made to the debate by members from both sides of the house. They drew upon their insight and expertise from a number of different perspectives.

One of the most powerful speeches I have heard in this chamber was made by one of the earlier speakers in a debate some three or four years ago. At that time the honourable member quoted an American expert, who said that no war had ever caused the amount of suffering to individuals that schizophrenia and other mental illnesses had caused to individuals, with the consequent loss of life through suicide and the suffering and impact it had on families and those in the wider community.

A number of years ago there was the example of a gentleman who had been brain damaged in a motor vehicle accident and who sought legal advice. He had a strong aversion to accountants, lawyers, doctors and psychiatrists. He exhibited xenophobia to all but those he had known in his youth. He was charged with kicking in the door of a doctor's surgery and fined $20 in the Prahran Magistrates Court. Although his behaviour was bizarre — he foamed at the mouth and had an unusual gait and gaze — he was allowed back into the community. Within a fortnight he was back in the police cells with a bruise on his head the size of an orange. His mother had been beaten and he had been charged with attempting to kill his doctor. He received some valuable services at Rosanna. There are other examples, too, of people having sustained head injuries that have consequently led to a range of aberrant behaviours. I can cite a number of other cases where people have suicided as a consequence of their despair at their life circumstances and the suffering they may have inflicted on those around them.

Head injuries are not the only difficulty. Some people are born with a predisposing factor that might lead them to commit crimes of varying degrees. One could recite the cases of Hoddle and Queen streets and of Martin Bryant in Tasmania. But there are other cases, too. An autistic fellow in my electorate, who had very fine parents who did everything for him they possibly could, was abused at school and in his later years wandered the streets with only occasional care for his circumstances. At one point he was charged with offences against young children, a matter that caused enormous grief to his parents.

However, it is anticipated that the Victorian Institute of Forensic Mental Health may be able to provide some ongoing service and support for people in those circumstances. A number of the bill's provisions delineate its functions and powers, including the provision, planning and clinical assessment of appropriate services for people suffering from psychiatric disabilities. The bill will also provide in-patient and outpatient services for people suffering mental disabilities. The provision of in-patient services is important because that will provide the opportunity for critical assessment and care until such people are able to be released back onto the streets.

Many members will be aware of some of the difficulties that have transpired on housing commission estates over the past few years where people who have been discharged from institutions at an earlier stage exhibit aberrant behaviour. The establishment of a world centre of excellence in forensic psychiatry will help in the development of programs or strategies to enable those people to receive better supervision and lead more fulfilling lives.

The bill provides for not just undergraduate education but also postgraduate and community education. As a corollary to the teaching there is also the objective of there being a wider level of research, which as part of the vision of a centre of excellence outlined in the second-reading speech and referred to by a number of honourable members will underpin the strategic and constructive development of further important services.

At the end of the day the measure of the effectiveness of this reform will be the improvements at the service delivery level. In the southern region outstanding work has been done by the Southern Mental Health Association. A group of volunteers that includes Jenny Raper and Mary Damman has overseen applications for funding, and more importantly the delivery of important services for those with psychiatric disabilities. There is an integration between people in the broad stream of service delivery who may not have committed any criminal offence but whose psychiatric disabilities may at some point lead them to harm themselves or inflict harm on others.

It is for those general reasons that I strongly support the objects of the bill. I wish it a speedy passage and trust that it will make an ongoing contribution to the improvement in mental health service delivery for Victorians.

Dr NAPTHINE (Minister for Youth and Community Services) — I thank all honourable members from both sides of the house who contributed to this interesting debate. In his or her own way the Deputy Leader of the Opposition and the honourable members for Malvern, Northcote, Warrnambool, Preston, Caulfield and Sandringham each made a positive contribution. In particular they recognised that forensic mental health services are a difficult and unglamorous but necessary area of the mental health service, that the community and individuals involved need support and that the forensic services need to be of a high standard.

The bill provides for the creation of the Victorian Institute of Forensic Mental Health, which will provide specialist treatment, assessment, support services and research with regard to people with mental illnesses who have come to the attention of the criminal justice system. The government is committed to providing high-quality services in this area to meet the needs of those individuals in surroundings which not only respect their human dignity but at the same time provide adequate protection for the wider community.

The new agency will be headed by Monash University's professor of forensic psychiatry, Professor Paul Mullen, who is widely respected in the house, the community of psychiatry and the broad community as a person who will do an excellent job in that area. The institute will provide a very good research facility and will offer individuals in the facility an unparalleled standard of treatment and support of world standard. I wish the bill well. I am sure all honourable members would wish the agency the very best in its work.

The SPEAKER — Order! Earlier I inadvertently suggested that the motion should be carried by an absolute majority. That is not the case; a simple majority is sufficient.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

1. Clause 5, page 6, line 3, omit "Australian and New Zealand Royal" and insert "Royal Australian and New Zealand".

This is a simple correction of a name to omit 'Australian and New Zealand Royal' and replace it with 'Royal Australian and New Zealand' to give the correct title to the organisation referred to in the bill.

Amendment agreed to; amended clause agreed to; clause 6 agreed to.

Reported to house with amendment.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Dr NAPTHINE (Minister for Youth and Community Services).

ADJOURNMENT

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That the house do now adjourn.

Sport: participation rates

Mr PANDAZOPOULOS (Dandenong) — I raise with the Minister for Sport his press release of today stating that business and sport is worth at least $2.3 billion to Victoria. In the press release the minister tries to gloat about Victoria's participation in sport and refers to 70 per cent of Victorians regularly participating in sport and recreation.

It is typical of the government that it always tries to talk up the situation rather than trying to deal with the realities of the problem it has created — that is, limiting participation in active organised sport and recreation. Since the election of the Kennett government the participation level in organised sport and recreational activities in Victoria has fallen from 33 per cent to 31 per cent, making Victoria the second-worst performing state in the country.

The minister and the Premier are always talking about Victoria being the sporting capital of the universe, but we have fewer Victorians involved in sport and recreation activities, in grass roots sport

and organised sport, than we have had for a long time. Victoria also has the lowest participation rate for children aged 5 to 14, which bodes ill for our future.

The opposition supports the holding of the 2006 Commonwealth Games in Victoria, but will Victorian athletes be participating if fewer people are involved in grass roots sport? The minister needs to come into the chamber to explain the government's strategy to increase participation instead of putting a PR spin on some figures. The minister talks about 70 per cent of people being involved in sporting activities. He is saying that if I go out for a jog, I must be involved in an athletics club!

The minister needs to come into the house and explain exactly what he is doing and stop putting a gloss on the reality. Under this government participation has dropped for various reasons, including cutbacks to local government, rate capping and compulsory competitive tendering. As Bill Lawry said at a sports forum organised by the state opposition last Friday week, the biggest barrier to participation in sport is the user-pays policy of this government.

Clubs are paying more and being asked to do more but they are getting less from government. Water rates have gone through the roof in country Victoria and water charges will be imposed on sporting organisations as a result of the so-called water reforms.

This government is bad for participation in sports at the grassroots level. It has no strategy. It is about time the minister addressed the decline in participation in sport.

The SPEAKER — Order! The honourable member's time has expired. I am not sure what action he was asking the minister to take. I must remind honourable members to ask ministers to take specific action. I think the honourable member asked the minister to come in here and make a few statements. He might express more clearly what action he wants the minister to take. That applies to all honourable members.

Somers children's camp

Mr DIXON (Dromana) — I raise for the attention of the Minister for Education a matter regarding the Somers children's camp. The camp is a unique institution operated by the Department of Education so that primary school children from all educational regions throughout Victoria can attend for a nine-day holiday.

Throughout the nine days the staff at the camp provide a broad range of activities the children would not normally experience. The camp is located on the beach so there are beach and swimming activities, as well as a rope course, an initiative course and lots of indoor activities, including arts and crafts. There is also a purpose-built environmental centre which has a specially trained environmental teacher. The children look at the flora and fauna of the area and participate in a number of related activities.

The programs are provided by a wonderful staff led by the principal, Mr Bob Edmonds. Members of the staff frequently work until 10.00 p.m., together with the teachers who accompany the children from the various regions, to look after those in their care. There is also a school council, which is another feather in the cap of the camp in that members of the council are drawn from the local area, not from around the state. Council members are committed individuals from the Somers area who see the camp as a wonderful opportunity help the children who attend it, which they do by giving their time and effort. The council and the staff have done much to enhance the camp's equipment, the environmental aspects and the facilities. They have even gone to the extent of attracting sponsorship to further enhance the camp programs.

There is a problem at the moment with the bridge that crosses Merricks Creek and connects the camp to the Somers foreshore. It is a suspension bridge, and it is an event to actually cross it. It is structurally sound but has unsafe planking and railings, which have caused some concern about the safety of the many children who cross it. It is critical to the activities of the camp because it connects the camp to the foreshore where many of the activities take place.

Ownership of the bridge has been difficult to establish, and therefore it has been difficult to find out who is responsible for repairs. I ask the Minister for Education to examine the matter and advise what action he is prepared to take to repair the bridge so that the camp can continue its programs.

Good Shepherd Youth and Family Service

Ms CAMPBELL (Pascoe Vale) — I ask the Premier to reconsider the application made by the

Good Shepherd Youth and Family Service to the Community Support Fund for funding its no-interest loan scheme for low-income families. I draw the Premier's attention to the fact that when the GSYFS wrote to all coalition members seeking support it received the outstanding number of 40 written responses in support of its application. One of those supporting letters came from the Deputy Premier. Unfortunately, the Premier has either not received or not read the correspondence that has hit his desk from 40 of his own government members. Those government members have supported the scheme; the Premier has not.

In question time today the Premier crowed about the fact that he supported his members. The house needs to know that he does not support his members and he does not support the battlers of this state who need the GSYFS no-interest loan scheme, which provides small loans to low-income earners to purchase household goods. The loans from a capital fund of $50 000 are available for lending purposes for between 8 and 18 years. It is an invaluable scheme and many families in Victoria need it.

The establishment of the scheme received the support of many philanthropic trusts such as the Jack Brockhoff Foundation, the Potter Foundation, the James Goold Trust and the Precision Foundation. Those organisation provided initial funding, but they cannot provide ongoing funding. The Community Support Fund should be able to provide funding. The Good Shepherd's application met four of the funding criteria concerning programs for financial counselling services or support and assistance for families in crisis, programs for the benefit of youth, research or pilot programs relating to community advancement, and any other programs relating to the support or advancement of the community. It has the support of the opposition and 40 government members, including the Deputy Premier. I ask the Premier to come into the house and say that he will reconsider this application.

Fire: suppression services

Ms BURKE (Prahran) — I raise with the Minister for Police and Emergency Services a matter concerning the Metropolitan Fire Brigades Board's annual report for 1996-97, which was tabled today, and in particular the change in the name of the Metropolitan Fire Brigades Board to the Metropolitan Fire and Emergency Services Board.

The issue of fire protection is obviously high on the agenda of anyone looking after a community, but it is of particular concern to me. The electorate I represent has numerous old buildings and is home to many people who have difficulty in understanding rules and regulations and people from non-English-speaking backgrounds who have difficulty in learning about changes in the community, as well as a large proportion of elderly people. Fire protection is also a big issue for the City of Stonnington. Not only does it have responsibilities involving joint reports and building regulations concerning fire, but one of its councillors is on the former Metropolitan Fire Brigades Board.

In the report, particular reference is made to the changes in legislation and the organisational review conducted by KPMG Peat Marwick. I seek some sort of assurance from the minister that these changes will have direct benefits for the community and the emergency services. As it is for anyone who cares about a community, fire safety is an issue of major importance to me. The report talks about the fact that since 1991, 78 per cent of properties have had smoke alarms installed. That is one area where we have gained great momentum, but as you look around this chamber you wonder if there is a smoke alarm here. I wonder how many members can see where it is and whether it is relevant. New alarms have just been installed in the Legislative Council chamber.

I seek an assurance from the minister that the changes will mean the continuing promotion of the benefits of fire suppression services and the enhancement of such services to the Prahran electorate.

Wantirna Heights Primary School

Mr MILDENHALL (Footscray) — I direct to the attention of the Minister for Education the concerted and disgraceful attempt by the Department of Education to close the Wantirna Heights Primary School. The underhanded and undemocratic activities of the region continue to undermine the school community and the existence of the school, but the school community is vigorously defending the school and is attempting to stop the minister and the department from closing it.

Under severe pressure from the region, which is clearly out of step with parent opinion, the school council decided to merge the school with an unidentified partner. On 17 September in this house the Minister for Education acknowledged that his department had not adequately supported the school and if a merger partner was not found the

department would continue to support the school regardless of the numbers. Since then, six members of the school council have resigned and left the school without nominating a merger partner, so there is no merger partner. The remaining four parents on the school council oppose any merger.

The regional manager, who is no doubt doing the bidding of the government, is bent on a merger. Prior to the six members of the school council resigning, the school council had decided to proceed with a survey, but the regional manager will not allow that decision to stand although the decision to merge will stand. The regional manager has refused to allow a public meeting to determine local opinion or to fill the six positions on the school council. The spirit of the minister's comments is being defied and the regional manager is driving the school into extinction.

I call on the minister to intervene to allow the school council to have a say and to conduct a realistic, accurate and sensitive survey of the parents. The decision to merge the school is extremely unpopular. A lot of money has been spent on the school. I have visited the school and it is a terrific facility, but the proposal to merge will deny the school community access to local education.

Water industry: reform package

Mr KILGOUR (Shepparton) — In the absence of the Minister for Agriculture and Resources I refer the Minister for Housing to the additional $400 million funding for the water industry that the government announced some weeks ago to support the provision of better quality water throughout Victoria and country towns in particular. The proposal is particularly important for factories in my electorate, which use good quality water for the food industry in the Goulburn Valley, the food bowl of Victoria — its products are exported throughout the world — and for the treatment of waste water from those factories

The Goulburn Valley Region Water Authority will receive $39 million of the $400 million going to country Victoria. It is keen to spend the money on the infrastructure programs it has been planning for some time. The provision of fresh water of World Health Organisation standard and the proper treatment of waste will result in significant support for industries in my electorate and neighbouring electorates such as Rodney. I am sure the honourable member for Rodney will be pleased that the authority is spending money in Kyabram to solve the problems.

I ask the minister to move as soon as possible to make the money available for infrastructure programs. The Goulburn Valley water authority has plans drafted for a number of programs and is now ready to commence their development. I also ask the minister to announce as soon as possible the new members of the board of the Goulburn Valley water authority so that the new board can oversee the allocation of the funds to the new infrastructure programs. I am sure the minister will announce the new members of the board as soon as possible so that everyone understands the proposed infrastructure programs and so that the new board can provide guidance for the much-needed programs throughout the Goulburn Valley and northern Victoria.

North Melbourne Football Club Social Club

Mr DOLLIS (Richmond) — I direct the attention of the Minister for Planning and Local Government to the application for a club licence by the North Melbourne Football Club social club at the Broadmeadows town hall. I ask the minister to examine the discrepancies between the understanding of the community of Broadmeadows with respect to access to the town hall premises for community uses and the provisions of a lease entered into between the Hume City Council and the club for the use of the town hall premises.

On 23 December 1996 the club entered into a lease with the Hume City Council for an initial period of 20 years. The lease contemplates the holding of a club liquor licence and the operation of 105 gaming machines. The applications for the planning permit and the liquor licence were opposed by a number of community representatives. I was informed that during negotiations between the council and the club the issue was raised of continuation of access to the premises by individuals or groups within the community. I am further informed that the draft lease, which was prepared by solicitors acting on behalf of the council, was made available to interested parties and members of the community.

The application for a planning permit for the premises was called in by the minister and considered. It is further understood that the minister informed himself as to the intended arrangements between the club and the council, including the rights of the community to use part of the premises

for a minimum of 120 community functions per year and also the provision of alternative access for persons or groups that did not wish to use the licensed premises because of objections either to the liquor licence or for other reasons.

At a public meeting held for the purposes of consultation between the parties, including members of the community, which the minister attended, the minister left a clear impression that he understood the premises would continue to be available to the public in conjunction with their use as a licensed club and entertainment centre as envisaged by the application.

The problem is that although the lease executed between the council and the club contains reference to a multifunction hall, the words 'to be available for general community use' do not appear. A statement was lodged by the solicitors for the club with the Liquor Licensing Commission, but it makes no reference to the intention of the club or the requirement by the council to provide access to the general community other than members of the club to the premises or any part thereof. I ask the minister to examine the original intent of the lease application and report back to the house.

Metropolitan Women's Correctional Centre

Mr E. R. SMITH (Glen Waverley) — I direct to the attention of the Minister for Corrections criticisms of the Metropolitan Women's Correctional Centre at Deer Park. In the past few months the honourable members for Yan Yean and Pascoe Vale have made uninformed criticisms of the facility. I call on the minister to take action so that the facility's name can be cleared.

On 16 October during the adjournment debate the honourable member for Yan Yean in his criticism of the prison system called the Correctional Services Commissioner, Mr John Van Groningen, a liar. I ask the minister to refute that, because Mr Van Groningen finds this slur on his character deeply wounding and he has been extremely upset about it. It is unforgivable for opposition members to use this place as a coward's castle and to make unfounded criticisms against a public servant in the area of corrections, who has no means of retaliation. At the same time the honourable member for Yan Yean criticised ministers like the Minister for Police and Emergency Services and others of us who can take it on the chin, unlike the honourable member for Yan Yean, who has a glass jaw and who, when criticism comes his way, jumps up and wants to make a commotion in the place.

The criticism of the corrections establishment is absolutely outrageous. I want to know how the minister can clear its name and what accountability he has put in place in the past few months; and if a report has been made to the minister, perhaps we might hear about it here. Action must be taken soon to clear the good and very highly regarded name of John Van Groningen, who has been slurred and made to look stupid in this house.

Mr Van Groningen deserves a full and responsible apology from the honourable member for Yan Yean for his offensive remarks — the words he used against a very highly sought after public servant who has been in this area for many years and has a great deal of experience. It is not good enough to use the house to carry on like this.

Melbourne Water: Gippsland irrigators

Mr HAMILTON (Morwell) — I raise a matter for the attention of the Minister for Agriculture in his role as minister responsible for water resources. Unlike the matter raised by the honourable member for Shepparton the problem is not with the money the government is allegedly throwing at country water resources, but with the water resource. I ask the minister to intervene so that the irrigators in the Gippsland irrigation belt, which includes the Latrobe, Thomson and Macalister rivers, can get access to water.

The real problem is that Melbourne is stealing the water from the irrigators. Our farmers, who are the source of the real wealth of the state, are having their water stolen by Melbourne Water — specifically the water that is currently in the Thomson Dam. Currently Lake Glenmaggie, which is one of the major sources of irrigation supply for Gippsland farmers, has about 40 per cent capacity and because of the El Niño effect is unlikely to increase its capacity, certainly during the forthcoming irrigation season. Farmers are rightly worried that insufficient flows are being allowed down, especially from the Thomson Dam. To make it even worse, Melbourne Water in its wisdom, or lack of it, has decided to turn off the hydro-electric power station that operates at the bottom of the dam wall which will reduce the flow from the Thomson Dam by some hundreds of megalitres.

There is a lesson here for every Victorian. Melbourne Water clearly sees water as a more valuable resource

than electricity. We saw what happened when electricity was privatised; Lord help us in country Victoria when water is privatised because then there will be no hope of our farmers ever being guaranteed adequate supply!

This is a very serious matter. The minister needs to take note of it and to intervene to ensure that the Gippsland farmers can continue producing at the rate they have in the past so that they can survive, and that water is not privatised — that is, sold off.

Hume Freeway: Albury–Wodonga bypass

Mr A. F. PLOWMAN (Benambra) — I raise a matter for the attention of the Premier. The intransigence and procrastination of the New South Wales government under Premier Carr means that $200 million of federal funding that has been promised by the federal government for either an internal or external bypass of Albury is not being spent. The money has been promised by the federal government and the Victorian government is in agreement with meeting its commitment to the expenditure on the road. However, the New South Wales government, for reasons known only to itself, has determined that it will sit on its hands. It does not want to take up $200 million.

All honourable members know the sorts of jobs that $200 million can provide and what it would mean to a centre in regional Victoria and New South Wales. Because of this intransigence we are losing jobs and the opportunity for development of the proper infrastructure for the 14th biggest regional centre in Australia, Albury–Wodonga. I could wax lyrical about Wodonga and its growth, but I will not do so, despite hearing a murmur of applause from my colleagues. Mr Speaker, I know full well that you understand the detail, and that this centre needs the $200 million for growth and for jobs.

Most importantly, we have infrastructure lined up for Albury–Wodonga, including the relocation of a railway line out of Wodonga. Anyone who has lived in Wodonga in the past 50 years knows the importance of that. We cannot plan for it until we get a decision on that internal bypass of Albury, which will connect Albury and Wodonga and is essential for the infrastructure of one of Australia's major regional centres.

I ask the Premier to intervene with the New South Wales Premier and I ask the New South Wales Premier to respond. I ask him to act on this and to spend the $200 million of federal money available for this project.

Responses

Mr GUDE (Minister for Education) — The honourable member for Dromana raised a matter relating to the Somers camp, particularly as it the concerns the bridge that connects the camp to the foreshore area. The honourable member has raised this issue out of a continuing concern, as he has been very actively involved in the Somers camp. I have had the privilege of going to the Somers camp, as a member of parliament who has a concern for young people who have had fewer advantages or opportunities in life than others.

When the honourable member was kind enough to invite me as Minister for Education to the Somers camp and I saw the disrepair into which the bridge has fallen, I could not but be appalled at the way in which the previous government had allowed that neglect to occur. It is quite disgraceful that the Labor government in office — —

Mr Pandazopoulos interjected.

Mr GUDE — It is interesting that the member for — where are you the member for? Nobody knows where you are the member for! He is out at Dandenong. I have had to go out to the honourable member's electorate and open new schools because when in office his government was not prepared to do that. I have had to be involved in the upgrade of schools in his electorate because when in office his government was not prepared to do the things that were necessary to provide youngsters in that area with opportunities.

When the honourable member for Dromana gave me the opportunity to go to the Somers camp and look at what was necessary it became very evident to me that there was an important need to ensure that the bridge that gives youngsters the opportunity to move from the camp to the foreshore was upgraded. I had no hesitation in offering him my support for that, and I can assure the honourable member that as between myself and the Minister for Conservation and Land Management there will clearly be a commitment to improve the standing of that bridge in a way which will not in any way diminish access and which will guarantee security for the youngsters who are moving to the foreshore.

Can I take the opportunity to give my support and commitment to the teachers and to all those who are

involved with the Somers camp for the fantastic job that they do. It is superb and something that is appreciated by school children throughout the broader community, and anybody who has had the opportunity to be there would certainly have appreciated it. I am not surprised that the honourable member for Dromana has raised this issue because as a genuine educationalist, a person who has an interest in this area, he would want to make sure that the schools within his community have a first-class environment. I am very pleased to be associated with him in seeking appropriate upgrades.

Having made that comment it is interesting to contrast that approach with the approach taken by the honourable member for Footscray. I understand that the honourable member for Footscray raised a question with respect to the Wantirna Heights Primary School in his usual whining, carping, miserable and negative way. He seeks to denigrate the broader community of the Wantirna Heights area. I understand that four of the resignation letters to which the honourable member referred in his remarks relate to harassment, intimidation and personal attacks, which have affected the school council operations and family life.

It was interesting that when the honourable member for Footscray made his remarks he indicated that he had personally been involved in this issue, because it seems to me that every time the honourable member for Footscray becomes involved in an issue we have this general approach of denigration and negative outcomes, and there is nearly always an issue of personal attacks. One can only assume, given that he is the shadow spokesman on education — we know that education is a policy void in the Labor Party — and that he is not prepared to exercise his mind with respect to policy issues, he seeks to get into the gutter. That is his little nicety in life.

Honourable members interjecting.

Mr GUDE — I pick up the interjection of the honourable member for Morwell, the spokesman on secondary education, who says that he is not that good. He gets lower than the gutter, that is what the honourable member for Morwell says. Goodness me! This is the left talking about the left.

Honourable members interjecting.

Mr GUDE — It is not a question of getting into anybody; it is really a question of having some integrity and decency. I suggest to the honourable member for Footscray that were he to exercise his mind on issues of policy and issues that relate to the betterment of education and the advancement of educational knowledge of young people in Victoria, difficult though that may be, and were he to do that with respect to a particular school, it would be an enlightening and new experience for Parliament.

The fact is that through a process of fear and intimidation, aided and abetted by the honourable member for Footscray, we now have a circumstance in the Wantirna Heights area where a school community really does not know where it is going. I am very concerned about that because, unlike the honourable member for Footscray, the political outcome is frankly the last interest that I have. My real interest — I genuinely believe it is the real interest of the parent councillors of that school and I know the real interest of the regional office — is the educational outcomes of the youngsters involved in the school community.

The process in which the honourable member for Footscray has indulged in is unfortunately typical and very negative for the Wantirna Heights Primary School. Tonight I sound a very clear warning to all schools throughout Victoria: whenever you have the honourable member for Footscray involved have a very clear sniff of the wind, make sure the community's interest is reflected in the decisions that are being taken and do not be conned by him, because his last interest is the kids in your school.

I can say clearly to the people of Victoria and to the parents of students at the Wantirna Heights Primary School that I have no fear as far as the government is concerned. Our sole interest is in the students of that school. Should that school remain open, that will be fine; and should it be involved in some sort of merger arrangement with other schools, that will be all right as well. The government is interested in your children and will support you on the way through. We will not be diverted by the political nonsense of the Labor Party. We will support you in order to get a quality outcome for the children and the students of the Wantirna Heights Primary School.

That is the clear and unqualified commitment of this government. Have no doubt about it, the sole interest of the government is in the kids of that school. We are not interested in politics; we are interested in educational outcomes for young kids who, frankly, do not deserve the political intrusion of a person of the low ranking of the shadow minister for education in this state.

Mr REYNOLDS (Minister for Sport) — The honourable member for Dandenong raised several matters in his diatribe. The first was that launched this morning was *The Business of Sport*, which is the first time that the department has endeavoured to draw together — or that anyone has endeavoured to draw together — the benefits of sport in this state for business and for many other things. The value to the Victorian economy of sport is some $2.3 billion. Sport is among the 10 top industries in this state for job growth and employs 26 000 people directly — and that does not include racing, with another 32 000 in that field. There are a lot of people in sport.

There are 1900 sport and recreation businesses in this state, some 100 of which have payrolls in excess of $1 million. The real success stories are businesses such as Camatic Seating, Kea Sportswear and Clean Event, which export to the rest of the world.

The honourable member for Dandenong talked about participation in his usual flippant, shallow way. He gained his information from a document that refers to participation in sport for children aged 5 to 14 years, an area in which we do not do very well. But it refers to participation after school hours, not for their whole life span. The honourable member has selective judgment. This member, who for the first time raises this matter in the adjournment debate and then interrupts and interjects, uses selective figures to suit his own case.

Mr Pandazopoulos interjected.

Mr REYNOLDS — He has not heard of the Moneghetti report, which was an innovation of this government, which shows that 86 per cent of secondary schools in this state comply with the expectation, or have adopted the principle, that up to year 10 students undertake 100 minutes of sport per week. At the primary school level, 75 per cent of schools are complying with the expectation that students above grade 4 undertake 90 minutes of sport per week. When that is added to their participation after school hours — —

Mr Pandazopoulos interjected.

Mr REYNOLDS — The honourable member for Dandenong likes to chatter, nag, yell and scream — and he uses figures selectively. Victorian children between the ages of 5 and 15 years are participating in more sport and physical education than children in any other state in Australia. That is a fact, and let him not forget it!

The honourable member also referred to some of the things raised in this forum. I am interested in the participation figure he used because Mary Wilson, executive director of the Australian Council for Health, Physical Education and Recreation, took him to task in the newspaper about it. I note he did not have the intestinal fortitude to answer back and tell her she was wrong; he took it lying down. These are the figures for participation by children in sport and physical activity right across the board for all of their waking hours, not just after school.

There is another point the honourable member forgets. I came to this job on 6 October 1992. From 1982 to 1992 under your mob this state suffered a 53 per cent reduction in funding for sport. What do you have to say about that?

The SPEAKER — Order! The minister will address the Chair.

Mr REYNOLDS — The Labor administration slashed and burned and we had to pick up the pieces, as well as the $33 billion debt. The Leader of the Opposition said on the *Punter to Punter* radio program at about 11.10 a.m. on Saturday, 25 October that we should lower the telephone bet for bookmakers on course who are now able to accept bets by phone. The Leader of the Opposition knows all about sport! He said $250 is too high. The fact is that the Leader of the Opposition does not know what he is talking about — he is wrong again. The minimum is $200 only for city thoroughbred racing meetings; for every other meeting the minimum is $100, which is what the bookmakers want. Don't argue about it, because it is right! When the proposition was put to your predecessor, the honourable member for Geelong North — —

The SPEAKER — Order! The minister will address the Chair.

Mr Pandazopoulos — On a point of order, Mr Speaker, the minister is now really debating the whole issue and is not even answering the question, which was about participation in sport. The minister has lost it a bit, and in order to speed things up he should answer what was asked of him rather than talking about betting, which has nothing to do with participation in sport.

Mr Gude — On the point of order, Mr Speaker, this is the first time in my 22 years in this Parliament that a member has used the glass jaw as the reason for a point of order. I just cannot support that.

The SPEAKER — Order! There is no point of order. The honourable member for Dandenong referred to a wide range of matters, including all sorts of things in relation to sporting funding. He cannot then object if the minister strays on to some of the same ground that he covered.

Mr REYNOLDS — Thank you, Mr Speaker. As the Deputy Leader of the Liberal Party points out, the honourable member for Dandenong suffers very much from the glass jaw — he won't get into the boxing hall of fame! The Leader of the Opposition talked on the radio program about lowering telephone bets. But the former Labor government would not grant telephones to bookmakers on course — it did not want to have a bar of it. He also talked about lowering turnover tax to bookmakers. But I note that in 10½ years of Labor government absolutely nothing was done. At least this government has dropped turnover tax to bookmakers by 0.25 per cent, which is more than your lot could do in 10½ years!

The SPEAKER — Order! I ask the minister to address the Chair. When he says, 'your lot', I point out it is not my lot. I ask him to address his remarks to the Chair.

Mr REYNOLDS — I am assured, Mr Speaker, that they are definitely not your lot — none of us would own them! The honourable member for Dandenong mentioned a wide range of figures and facts that he has not got right; he is halfway correct. Why doesn't he get his facts right, detail all the information he has and then let us hear what he has to say? Let us then talk about it in an open debate, and let him instruct the Leader of the Opposition that when he goes to radio Sport 927 and talks about lasting legacies — he said two lasting legacies of the former government are the MCG and the National Tennis Centre — he should also say that the former Labor government left us with a $146 million debt for the National Tennis Centre. This government had to refinance that amount to sort out the mess made by the former government.

The SPEAKER — Order! The minister is now straying far beyond the matters raised. Although the honourable member for Dandenong may have ranged wide in his remarks, the minister has now gone far beyond those parameters.

Mr REYNOLDS — Yes, Mr Speaker, I am straying. I get carried away with emotion when I am accused by the opposition of things that are totally incorrect, and when an honourable member shows that he does not know what he is talking about.

Mr W. D. McGRATH (Minister for Police and Emergency Services) — The honourable member for Glen Waverley raised with me the performance of the Metropolitan Women's Correctional Centre. It is fair to say that an assessment of the contractor's performance in the first year of operation at that centre has been completed by the Correctional Services Commissioner, John Van Groningen. The honourable member also reminded me of a comment made in here by the honourable member for Yan Yean during the last sitting week when he referred to Mr Van Groningen as lying about some of the operations of the centre. I totally concur with the honourable member for Glen Waverley that Mr Van Groningen has been a very good public servant under governments from both sides of the political spectrum — he served under the previous Labor government and now under the coalition government.

I take this opportunity to outline the performance framework at the centre and its relationship with payments made to the contractor. Under the arrangements, on a monthly basis a contractor is paid an accommodation service charge for the provision of the prison facilities and their maintenance and a correctional service fee for operating and managing the prison. Those services are prescribed in the prison services agreement. That can be considered as the first level of performance.

In addition, performance-linked fees are payable annually in arrears. In order to be paid in full the contractor must achieve the specified standards for the accommodation services and correctional services and must also meet specific benchmarks in five correctional areas — prison operations, education and training, prison industries, health, and other programs which include drug education programs.

It is fair to say that on accommodation services the contractor has been paid the full 40 per cent. In relation to the other services there have been some deductions against the contractor; some 20 per cent of the 60 per cent has been deducted. Most of those shortcomings occurred in the first three to five months of the operations of the new prison under new management and with new staff.

I am very pleased to say that I believe illicit drugs are now very much under control at the prison; the staff that now work there are trained well and are

meeting the requirements. There are fewer incidents than there used to be. From that point of view, certainly in the past six months, it has been a very well-managed prison. However, it is always fair to say that prisons are not places that you can manage easily and, as has occurred in the past, there will be outbreaks of misbehaviour and some problems that are hard to manage, and that will happen under both public and private sector management of correctional services in this state.

The honourable member for Prahran referred to the Metropolitan Fire and Emergency Services Board and noted the name change from the MFB. The Metropolitan Fire and Emergency Services Board also has new board members. A couple who come to mind are John Dillon and Earl Spicer, both prominent businessmen around Melbourne. They have joined people like Mr Brian Parry, who has given very good service to fire services in this city.

The Metropolitan Fire and Emergency Services Board has adopted a corporate plan that will operate until 2001. Its adoption represents very much the vision of partners in community safety. Following the recommendations of KPMG, which undertook a review of its performance, the brigade will broaden its community safety role. It will go beyond its traditional fire suppression role and put into place many other public safety factors that will ensure greater support to the overall community. The honourable member for Prahran mentioned the number of homes that have smoke detectors.

Mr Hamilton interjected.

Mr W. D. McGRATH — I take up the interjection. A Victorian act, which was proclaimed on 1 February, requires all dwellings to have smoke detectors, and people have two years to comply. Victoria was the first and is still the only state to have that type of legislation. Of course it is in the best interests of everyone to have warning devices to ensure that loss of life in fires, particularly with the very elderly or very young, is minimised. The Intergraph computer-aided dispatch system is working very well indeed with the Metropolitan Fire Brigade. That service is expected to continue to provide a very good service to the community of Melbourne in the case of emergencies.

Mr McNAMARA (Minister for Agriculture and Resources) — The honourable member for Shepparton referred to the announcement of the appointment of members of the Goulburn Valley Region Water Authority. I signed off the letters of appointment to those members today. I also sent letters of appreciation to those who made contributions to the Goulburn Valley water authority in the past. It is probably not appropriate to announce those appointments until those involved receive their letters. But that will be in the next day or so. This week I will announce the names of those on the 10-member board, which will continue the drive for investment, particularly in the food processing sector, as part of the $1.3 billion package the government announced the week before last.

The honourable member for Morwell referred to irrigation water, particularly through Lake Glenmaggie, the Thomson system and the Thomson–Latrobe Rivers in Gippsland. I am more than aware of the problems facing irrigators, particularly dairy farmers in that area, who are facing allocations of only 70 per cent of their water rights. We are currently negotiating with Melbourne Water to provide 100 per cent water rights to irrigators in that area. Melbourne Water has agreed to provide the additional water, which amounts to approximately 50 000 megalitres. We are in the process of finally negotiating the price of that water.

Mr Hamilton — Watch them carefully.

Mr McNAMARA — You put them in place, so I suppose we would have to. We are aware of the important economic contribution irrigators in that part of Victoria make, particularly the dairy industry, which is a huge contributor to the Victorian economy.

Mr Hamilton interjected.

The SPEAKER — Order! The honourable member for Morwell continues to interject. I ask him to cease interjecting or go and have a cup of coffee.

Mr McNAMARA — Dairy products still maintain the status of being the largest export commodity of any sort, agricultural or otherwise, from the ports of Victoria. I hope to be able to make an announcement on that within the next couple of days.

Mrs HENDERSON (Minister for Housing) — The honourable member for Pascoe Vale referred the Premier to the Good Shepherd Youth and Family Centre submission to the Community Support Fund to assist with its loan scheme for low-income families. She asked that the Premier reconsider the

application. I will certainly pass that on to the Premier.

It is probably worth while for the honourable member for Pascoe Vale to note that my Office of Housing provides housing establishment grants, which stood in the past at about $1.7 million a year. We have just increased that to $4 million, which is an extraordinary budget allocation for people who need assistance with household goods. It demonstrates the government's commitment to people who are struggling for particular reasons and need some assistance.

The honourable member for Benambra referred the Premier to the New South Wales government and the $200 million that has been set aside by the federal government for a bypass at Albury–Wodonga. In his usual way of ensuring that his electorate is well served, the honourable member wants the Premier to intervene because Premier Carr is apparently not taking up the opportunities available for infrastructure. I will also pass that on to the Premier.

The honourable member for Richmond referred the Minister for Planning and Local Government to proposed licensed premises at the Broadmeadows town hall. I will also pass that on to the minister.

Motion agreed to.

House adjourned 10.59 p.m.

Wednesday, 29 October 1997

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.05 a.m. and read the prayer.

PARLIAMENTARY DEPARTMENTS

Mr J. F. McGRATH (Warrnambool) presented reports for 1996-97 of:

Department of the Legislative Assembly;

Department of Parliament Library;

Department of Victorian Parliamentary Debates; and

Department of Parliamentary Services.

Laid on table.

PAPERS

Laid on table by Clerk:

Bendigo Health Care Group — Report for the year 1996-97

Cinemedia (Film Victoria and State Film Centre of Victoria) — Report for the year 1996-97

Donald District Hospital and District Nursing Home — Report for the year 1996-97

Echuca Regional Health — Report for the year 1996-97

Interpretation of Legislation Act 1984 — Notice under section 32(3)(a) in relation to Statutory Rule No. 98/1997

Kyneton District Health Service — Report for the year 1996-97

Mallee Track Health and Community Service — Report for the period ended 30 June 1997

Mildura Base Hospital — Report for the year 1996-97 (two papers)

Mt Alexander Hospital — Report for the year 1996-97

Ouyen and District Hospital — Report for the period ended 31 December 1996

Robinvale District Hospital and Health Services — Report for the year 1996-97

Rochester and Elmore District Health Service — Report for the year 1996-97

Tourism Victoria — Report for the year 1996-97

Treasury Corporation of Victoria — Report for the year 1996-97

Victorian Power Exchange — Report for the year 1996-97.

CRIMES (MENTAL IMPAIRMENT AND UNFITNESS TO BE TRIED) BILL

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Workcover: changes

Mr BRUMBY (Leader of the Opposition) — I grieve today for the Premier's spiteful and heartless attack on the rights of injured Victorian workers. Yesterday we saw unprecedented, extraordinary arrogance from the Premier and the most amazing disdain for the rights of ordinary Victorians. The Premier's decision to withdraw last minute concessions to proposed Workcover legislation was what can be described only as a pathetic act of spite. On radio on Monday night we all heard the Premier say that the concessions were 'unconditional'. Yesterday, less than 24 hours later, that promise had been broken and the concessions were removed.

Victorian families are entitled to ask whether they are being conned or whether the Premier has totally lost it with the Workcover changes because he simply cannot get his way. Let me tell the Premier and every other government member that they will not get their way on these changes, that they cannot hide the incompetence and mismanagement of the government, the minister and the Victorian Workcover Authority by attacking the rights of workers. To do so will only highlight the government's moral bankruptcy.

The so-called Workcover reforms are appalling proposals that are being put through by a government that has simply run out of steam and solutions. The plan to remove all common-law rights for injured workers represents what is clearly the most savage attack on workers in Victoria's history. The proposed Workcover changes are rotten to the core because at the core is the Premier's plan to steal common-law rights from seriously injured workers.

If there is one decision that typifies more than any other the heartlessness, arrogance, hypocrisy and sheer vindictiveness of the Kennett government it is its attempted theft of common-law rights from ordinary Victorian workers. We ought to be clear about the stench, the reek of hypocrisy that hangs over this decision. The Premier retains the right to sue at common law for defamation because his feelings have been hurt, but a worker who has lost an arm or a leg or whose face has been torn off in an industrial accident is denied all access to common-law damages against even the most negligent or most culpable employer. This shows the Premier's true colours. This is about a legal system that is all about privilege. It is a dream that has come true for the top end of town.

As if it were not enough to try to steal common-law rights, the government is also trying to rewrite the rules to make it virtually impossible for an injured worker to obtain the maximum benefit. To qualify under the new benefit schedule an injured worker must be 80 per cent incapacitated. What does that 80 per cent whole-of-body incapacitation mean? I wonder if all government backbenchers know. It means that paraplegics do not qualify; it means that a worker would have to be either a quadriplegic or medically classified as brain dead to qualify for the maximum benefit. In other words, a person has to be in a bed in a coma or be a quadriplegic to qualify for the maximum benefit.

Are coalition members aware that if a person's incapacity falls just one percentage point short of the required 80 per cent his or her entitlement is cut by almost half? Despite the Premier's concession — the one concession he has made to exempt the existing worker — to grandfather those who are presently seriously injured, it needs to be remembered that seriously injured workers in the future will have their weekly benefits cut from 90 per cent to just 75 per cent of salary, which means many injured workers will get absolutely nothing.

Why are Victorian workers being subjected to such a brutal assault on their basic rights and conditions? The government's real agenda is not based on sound public policy; it is about trying to smash the trade union movement and the rights of injured workers, destroying the law firms that provide support and advocacy for injured workers and finding a scapegoat to cover up the incompetence and mismanagement of the minister and his Workcover Authority.

Over the past five years the Kennett government has bungled its management of the Workcover Authority. There are 16 per cent more executive fat cats. Fewer claims are processed. There is costly new red tape in relation to medical assessments, and in the past year alone Workcover operational costs have blown out by $16 million to $180 million.

I have to say that taking the big stick to workers is not the way to solve the problem. Fewer fat cats, better claims management and decent dispute-resolution procedures are needed. Above all else, a tough and effective accident prevention and rehabilitation strategy is needed.

Let's be blunt about it: had the government been as serious about workplace safety as the Transport Accident Commission has been about road safety the number of deaths and accidents in Victorian workplaces would have been cut dramatically. Victorians do not want a fat, bloated, top-heavy Workcover Authority. They want a government that is fair dinkum about workplace safety, that will clean up shoddy workplaces, that makes workplace safety the top priority and that has the guts to take on culpable employers who put workers' lives at risk.

As I said, yesterday we saw the most appalling act of spite committed by any Premier in Victoria's history. We witnessed the pathetic sight of a pathetic Premier trying to shift the blame to Victorian workers who dare to organise and rally outside Parliament House to oppose appalling changes to Workcover.

Perhaps the Premier — and maybe it is ironic that the Treasurer is sitting at the table today — has forgotten that it was just a few short years ago that the present Treasurer made this pledge to the people of Victoria:

> I assure the Treasurer —

he was talking to the Labor Party —

that the Liberal Party, so long as it has the capacity to do so, will not allow the destruction of important and traditional common-law rights and that it will seek — and is confident it will obtain and continue to enjoy — the support of the National Party in the other place to protect the basic rights of the Victorian community.

What has happened now? That was the Treasurer just a few short years ago on his high horse about the Liberal Party, about the most crucial, traditional common-law rights.

Mr Stockdale interjected.

Mr BRUMBY — You made that pledge to the people of Victoria. You will never be Premier of Victoria. People do not want someone who values principles so lightly as that. People do not want a Treasurer who signs off contracts for the head of Tabcorp that cost $18 million. Treasurer, how much have you paid Troughton?

The SPEAKER — Order! I ask the Leader of the Opposition to direct his remarks through the Chair.

Mr BRUMBY — No strike would occur today if Victorians had a Premier who understood this simple fact: Workcover is meant to be about protecting the people who keep the state running, the people who build the houses, the people who put out the fires, the people who manufacture the products we all need and the people who care for patients in our hospitals.

The government's changes affect every family and every occupational group. Every working day injuries occur in the workplace. A nurse may get a needle-stick injury that causes illness or even the onset of AIDS; a firefighter may breath in toxic chemical fumes; a bank worker may be shot in a hold-up; and a building worker may be crushed under a collapsed wall.

Of course there is anger. Of course there is anxiety and insecurity. Victorian workers and their families know when they are betrayed, and the Kennett government's proposed changes are a betrayal. It is a betrayal to take away the right to sue at common law so that a worker who has lost an arm or a leg or had his face torn off by the most culpable employer has no rights. It is a betrayal to set a test for the payment of the maximum benefit which means that if a worker loses both his legs and half his arm he still does not qualify. It is a betrayal to reduce the weekly benefits for workers who become seriously injured by 15 per cent. It is a betrayal to have an occupational health and safety system that prosecutes one-sixth of the number of employers than are prosecuted in New South Wales and in which the maximum fines are almost $600 000 less; and it is a callous and spiteful betrayal to try to fool Victorians into believing the government is prepared to compromise and then withdraw the compromise because unions were not fooled into cancelling today's protest.

Victorians deserve an honest debate about the real facts and issues affecting Victorian workers. The government claims, backed up by massive paid advertising by the Victorian Workcover Authority, have been dishonest and misleading. They are lies. The government claims the majority of workers will receive increased weekly payments. The facts are that in the future seriously injured workers will receive 15 per cent less and all workers will receive reduced weekly payments after 13 weeks rather than the current 26-week period.

The government and the authority claim the changes are necessary because of a blow-out in common-law payments from $17.6 million to $138 million. The facts are that this figure was concocted by excluding all the pre-1993 WorkCare common-law payouts. When these payments are taken into account the increase in common-law payouts is one-tenth of that claimed by the government. The government claims that a worker who loses a leg will not be worse off; that he will receive $78 000. However, the facts are that under the current scheme he would be eligible for a further $50 000 for pain and suffering plus the right to take action under common law. The ultimate irony is that the Workcover Authority, having displayed misleading advertisements, when challenged by lawyers, unions and community groups, threatened to take action through the courts — it would exercise its common-law rights to silence its critics. These are the same common-law rights the authority wants to remove for injured workers.

The directors of the board of the Workcover Authority must accept responsibility for the mess and schmozzle they have created. They have done fairly well by working for the Kennett government. They awarded themselves a pay rise of 25 per cent over the past few years even though they failed in the key indicators of their performance. Under their direction there has been a 35 per cent increase in total claims expenses; a 36 per cent increase in the administration costs of the authority; a $22.4 million increase in salaries; a 74 per cent increase in State Emergency Service salaries, together with a 66 per

cent increase in the number of senior executives; and a $55 million loss in the 1996-97 financial year, which is further worsened by the authority's losses in the plummeting value of Crown Casino shares.

Most of the directors of the authority are the government's mates. We all know about Professor Bob Officer. He conducted the Commission of Audit and is a member of the Liberal Party. He has done well out of the Kennett government; it is a pity about the injured workers. Catherine Walter has done well out of the Kennett government; it is a pity about the injured workers. Kevin Courtney has done well out of the Kennett government. He is a director of the Sunraysia Rural Water Authority, the Inner and Eastern Health Care network and a former commissioner of the City of Melbourne; it is a pity about the injured workers. Michael Pryles is a partner of Minter Ellison, a company that has conducted major consultancies for the Workcover Authority; it is a pity about the injured workers.

I mentioned yesterday the investment profile of the Workcover Authority. While injured workers will lose their rights, the board of directors of the authority has been investing heavily not just in Crown Casino shares, which have plummeted in price from $2.80 a share to less than $1, causing losses of more than $14 million; but in Guangdong — that has been a great investment! It purchased ERG shares at $2.26 after nearly every institutional investor got out, and the shares are now worth less than $1. Who does the authority want to pay for the government's, the minister's and the board's incompetence and its failed investment pattern involving Crown Casino, ERG, Guangdong and others? It wants injured workers to pay. We will not cop it, workers will not cop it and the Treasurer and the Premier must wear the cost and take the responsibility because the campaign will go on right up to the next election. We will not give in.

ALP: policies

Mr LEAN (Carrum) — I grieve today at the state of the Labor Party and, after listening to the diatribe from the Leader of the Opposition, I realise what a disgrace it is. However, I will let the mob opposite off the hook by referring to other people in the Labor Party. The federal member for Isaacs, Greg Wilton, is worse than they are. He is a disgrace. I ask honourable members to listen to what he has to say. As the federal member, all he wants to do is talk about state issues. He is one of the most politically impotent members of Parliament of any party. He has the gall to write letters to constituents. I will quote from one of his letters, which states:

> As your federal MP, I have no direct authority over state government matters. However, I have raised this important local issue in federal Parliament to encourage the state government to act.

The federal member says he grieves for the many residents of suburbs such as Chelsea Heights, Aspendale Gardens, Mordialloc and Parkdale. He says:

> ... otherwise peaceful lives are continually disrupted by excessive traffic volumes that are forced to use these pleasant outer south-east suburban Melbourne suburbs as major traffic thoroughfares between Wells Road and Boundary Road through to the Nepean Highway ...
>
> The Dingley Bypass has been planned for a number of years to link the Mornington Peninsula Freeway at Chelsea Heights ultimately with South Road, Moorabbin at Warrigal Road via Wells Road and Boundary Road. The proposal was developed by the then state Labor government in 1992 and was fully supported by the then five surrounding municipal councils which comprised the area. In fact, the councils were prepared to forgo all other roadworks to get this project funded, such was the importance they placed on it from a local perspective.
>
> The overall cost of the project in 1992 dollars was estimated to be $23 million ...

The former Labor government sent Victoria broke by incurring a $33 billion deficit. The Labor government wanted local councils to pay for this development because it did not have any money and it wanted to strip the council of funds, but it came up with a much better idea! The federal member for Isaacs refers to traffic going through Wells Road, Boundary Road to the Nepean Highway. Who duplicated Wells Road? The story was: don't build freeways, build bigger roads. Wells Road was duplicated through beautiful suburbs under a Labor government, yet the federal member has the gall to blame the state Liberal government for not doing the right thing by the residents.

The Labor government caused the problem right from the start and they ought to be condemned for doing so! The federal member for Isaacs says that part of the area in Wells Road, Aspendale Gardens is a black spot. I challenge him to come up with any evidence of what he has done to get funding for a black spot program to alleviate the problem — he

has done absolutely nothing. All he wants to do is nibble around the edges of state issues. He must be the most politically impotent member of any parliament in Australia.

A newspaper article published this week says that 1500 cars a day go through the area of the black spots. Who caused them? The state government that was in power prior to 1992. The federal member for Isaacs had the gall to say that Bonbeach is going to disappear because of Intergraph. What a load of tripe! I live in Bonbeach; there is no way known that it is going to disappear. It is a far better spot than Albert Park and such suburbs. Bonbeach is here to stay.

The member for Isaacs also made a statement about his membership of the federal government banking committee, of which he is deputy chairman. Some time ago a Commonwealth Bank in the area closed down, and there were rumours that the Commonwealth Bank in Carrum would close. I quote again from the May 1997 edition of one of the local newspapers, the *Lakes and Long Beach Gazette*, where the member for Isaacs was reported in the following terms:

> Rumours circulating in the Carrum area that the local branch of the Commonwealth Bank in Station Street will close were false, the federal member for Isaacs, Mr Greg Wilton, MP, said on 18 April.

He is telling us not to worry about the Commonwealth Bank, which, as it happens, took over the State Bank of Victoria.

An honourable member interjected.

Mr LEAN — If you want to discuss privatisation, we might privatise things but we do not give them away like the Labor Party gave the State Bank to the Commonwealth Bank! Mr Wilton said, in effect, 'Don't worry; it's not going to happen; the Commonwealth Bank in Carrum won't close'. The article quotes him further:

> 'This will come as a relief to many Carrum residents who have relied on the bank for years,' Mr Wilton said. Mr Wilton has also opposed the introduction of account-keeping fees by banks.

That shows how smart he is. It is a fact of life; someone has to pay for account keeping somewhere. Some weeks ago Mr Wilton made the statement telling us not to worry. Yet this week we learn that bank closures are a worry to traders and that this branch of the Commonwealth Bank has closed its doors — after the federal member, the deputy chairman of the banking committee, said, 'Don't worry everybody; it won't close.' So much for Mr Wilton.

Mr Wilton has had plenty to say also about the Community Support Fund. He is reported in *Hansard* of 25 August 1997 as saying:

> There are widespread concerns within the Victorian community that this gambling generated revenue is not being spent on the community development projects for which it was originally designed.

I challenge him to have a good look and see how many millions of dollars have gone into the Community Support Fund established by the government. Certainly the money is generated through gambling, but it will provide funds for the recently announced $1.7 million long-term-stay units for rural cancer patients. Does the member for Isaacs have a problem with money going to these groups?

Once again I refer to Wells Road, where there is a case for bridge widening. The federal member has attacked the local council for not providing the funds for the bridge. Funds were originally allocated for the bridge but they went to the City of Dandenong with the amalgamations, so again that money disappeared.

An article in the *Mordialloc-Chelsea News* of 22 October reports that Mr Wilton has bought 30 mountain bikes at a reported cost of $120 each, supposedly for the primary schools in the area to use for fundraising. He has made a big noise about having bought the bikes out of his electoral allowance. The money has not come out of his pocket at all — it has come out of his electoral allowance, so the taxpayers of Australia have paid for the bikes! It is absolutely ridiculous to say that he has paid for the bikes out of his pocket!

It is about time the member for Isaacs stuck to federal issues and looked after the people in the electorate on those issues and left the state to be run by the state parliamentarians. I challenge him to come up with any areas where this government is not doing the right thing by the people of Victoria. The last election proved that the state government is keeping Victoria on the move and is making the Labor Party, both state and federal, look pretty ordinary!

Parliamentary Secretary for Planning and Local Government

Mr HULLS (Niddrie) — Today I grieve for the lack of standards of this government and in particular this Premier in his failure to take action and sack Mr Bruce Atkinson in another place. Mr Atkinson has been involved in the most tawdry conflict of interest and blatant greed that has been witnessed in this state since the KNF Advertising affair. He has continually used his public office for personal gain. As the *Age* said this week in an editorial, he is not fit to be a member of parliament. The *Age* made it quite clear in its editorial on 28 October:

> ... Mr Kennett's loyalty should be wearing thin for Mr Bruce Atkinson, a member of the Legislative Council, parliamentary secretary to the Minister for Planning and Local Government, and now widely known as the 'moonlighting MP' for having continued to operate a business as a retail and local government consultant while in Parliament ...
>
> The Opposition is right to demand that Mr Atkinson make Parliament a full-time job ...
>
> Despite his protestations, Mr Atkinson has been operating as a part-time politician. He has exposed himself to possible conflicts of interest, particularly since accepting promotion to the position of parliamentary secretary. He should resign from Parliament. If he does not, the Premier should invoke a higher loyalty — to the Parliament and the party — and tell him to go.

Nothing could be further from the reality of the Premier's response. At every step of the way the government and Mr Atkinson have refused to have independently tested the claims that there has been a blatant breach of section 55 of the Constitution Act.

The response is always that Mr Atkinson has had his day in court and the court found him not guilty. That is not the case, and Mr Justice Vincent made it clear that the matter has not been dealt with. Mr Justice Vincent said he did not have the power to deal with it and that it should be returned to be dealt with by a Court of Disputed Returns. It has not been tested, despite what Mr Atkinson says inside and outside the Parliament.

Recently when journalists tried to find him, Mr Atkinson was hiding in the parliamentary kitchen or in another MP's room, trying to avoid the media. When the media finally found him, he said they should be asking about far more important things, and asked did they not know that he was once a world seesaw champion? It is quite extraordinary. The only seesawing he has been doing has been between public office and private gain.

Documents discovered recently show that he was a subcontractor for a company called Fisher Stewart Pty Ltd for the East Richmond Urban Villages project, which was undertaken by the EPA, a government authority. The documents reveal that the project involved also Energy Victoria and the Department of Planning and Development, about which I will reveal some startling new information shortly. The contract made it clear that the subconsultants could be approved only by the EPA.

Of course, the Minister for Conservation and Land Management was asked about the approval. Yesterday in a statement to the house she said that no such approval was given. From that one can draw the conclusion that there has been a blatant breach of the contract. In fact, when one looks at the documents one can see that all the subcontractors except Mr Atkinson were actually named in the document. One has to ask why Mr Atkinson was not named.

But the plot thickens, and the information I will reveal today suggests quite clearly that Mr Atkinson and the Department of Planning and Development have been involved in a blatant conspiracy and cover-up, for which heads must roll. In fact, this is a conspiracy that goes all the way to the minister's office. On 9 April 1997, when he was accused of using his public office for private gain, Mr Atkinson said in the Legislative Council:

> I received a letter from a company in North Fitzroy called Ecologically Sustainable Design Pty Ltd, the principals of which are Chip Kaufman and Wendy Morris.

Then he talked about Wendy Morris being well known to certain current and former members of Parliament. He then quoted from the letter which states:

> Dear Bruce,
>
> Re: Recent publicity for your non-governmental professional work.
>
> We write this letter in unqualified support of the propriety and quality of your professional activities in

> the context of your responsibilities as an MP. We have never witnessed any conflict of interest in your time or activities. We note that your involvements as a subconsultant with us have been limited in scope and duration.
>
> As urban designers, we have known and worked with you as a town centre economic revitalisation consultant for several years.
>
> In all the projects we have done together, or even sought together, you have always been absolutely explicit in declining personally to participate in any project that was funded by the Victorian state government. In fact, the only projects you have done with us or through us have been outside Victoria.
>
> We continue to recommend you for such work.

Of course, Mr Atkinson says that a credible source has given him an extraordinary reference and he certainly used that as his defence that he has done nothing wrong. One must ask: who are Wendy Morris and Chip Kaufman? It appears that Wendy Morris of Ecologically Sustainable Design, who says that Mr Atkinson has never been involved in a conflict of interest or state government-funded projects, is indeed the same Wendy Morris who was involved in the Urban Villages project, in which Mr Atkinson was involved. At the bottom of a letter from the EPA to the Energy Research and Development Corporation dated 30 June 1994 seeking approval for this project to go ahead, one sees the following:

> Should you require any further information, please contact Sophia Schyschow of the EPA ... or Wendy Morris of the Department of Planning and Development ...

The project description states that the principal investigator of the project is the same Wendy Morris from the department. Further, the Urban Villages project case study report lists Wendy Morris as the Department of Infrastructure working party member. She is listed in the document which I have in the house, entitled Urban Villages Project East Richmond Case Study Report. Mr Chip Kaufman from Ecologically Sustainable Development appears on the page of the report that lists the personnel involved in the project. Also listed are Bruce Atkinson from the Atkinson Group and Wendy Morris from the Department of Infrastructure. It is quite extraordinary that the same Wendy Morris has said, in a letter given to Mr Atkinson to use in his defence, that he has never been involved in a government project. Yet, as a member of the working party of the Department of Infrastructure, she was involved in the same government project as Mr Atkinson. The cover page of this Urban Villages project report makes it quite clear that the Department of Infrastructure is also involved in the project, and it makes it quite clear that the report has been prepared by Fisher Stewart Pty Ltd in conjunction with Ecologically Sustainable Design Pty Ltd.

If one looks at the Australian Securities Commission records of Ecologically Sustainable Design, one sees that on 26 February this year that company was transferred to another company controlled jointly by James Kaufman and Wendy Morris, the same Wendy Morris to whom I referred, both of whom list their address as 243 McKean Street, North Fitzroy and the principal place of business is listed as 243 McKean Street, North Fitzroy.

Mr Perton — Mr Acting Speaker, in his speech the honourable member is making a range of imputations and allegations against a member in another place. I direct your attention to rulings from the Chair, of which I believe you have a copy in front of you. A number of rulings by Speakers Edmunds, Coghill, McGrath and Plowman have been to the effect that imputations against members of either house may be made only by substantive motion. Even if one is able to make some sort of passing reference or imputation against a member in another debate, there is a ruling by Speaker Delzoppo and by Deputy Speaker McGrath, and by you, Sir, that a grievance debate does not have the same latitude as if there were a substantive motion before the house concerning reflections on the conduct or impugning the actions of members or federal members.

If the honourable member for Niddrie were talking merely about the conduct of a department or a minister's administration of a department it would probably be fair enough that he proceed in the way that he has, but it is quite clear that the address he is making to the house is designed to denigrate and call into question the reputation of the honourable member in another place. I ask that you rule, Sir, that the member's comments are out of order.

Mr HULLS — On the point of order, Mr Acting Speaker, I am grieving about the lack of standards of propriety of this government. In addressing that lack of standards I am talking about particular instances which show that the Premier has no standards and that this government has no standards. In talking

about those matters, I have referred to a letter that was read in the upper house which I say was part of a deliberate conspiracy by Mr Atkinson, Wendy Morris and Chip Kaufman to protect Mr Atkinson and to cover up the involvement of the government and indeed the minister in this government-funded project. I have been using the documents as examples that there are no standards of propriety in the responses of the government and the Premier. Indeed, I am grieving about that lack of standards.

The ACTING SPEAKER (Mr Cunningham) — Order! I have been listening carefully to the comments of the honourable member for Niddrie. At the moment he is in order but he must be very careful about comments that he makes. He cannot use other materials that would do the same job as impugning the honourable member. At this stage I will let the honourable member continue but I caution him to be very careful in the remarks that he makes.

Mr HULLS — The documents that I have referred to today reveal quite clearly and explicitly that Mr Kaufman and Ms Morris knew absolutely that the East Richmond project was funded by the state government. Wendy Morris was a member of the department when this matter was funded and yet they have written, in support of a member in another place, a letter stating that he has never been involved in any government-funded projects. Not only did they know that this project was funded by the government but they also knew full well that Mr Atkinson was involved in the project. They have written a letter in an attempt to cover up this matter, in the hope that it would go away and that their involvement and indeed that of the Department for Infrastructure would not be uncovered.

The fact is that it has been uncovered. The attempt to cover up this matter has been a conspiracy that involves not just the member of the Upper House but also Wendy Morris and Chip Kaufman. The fact is that Wendy Morris is still doing consulting work for the department. Until there has been a full inquiry into her role in this matter and into the role of Mr Atkinson — that has still not taken place — questions remain unanswered about this conspiracy and cover-up.

Wendy Morris has gone from the Department of Infrastructure to join Ecologically Sustainable Design. It appears that at the time she was with the department her partner was involved in that company. The question remains whether she declared the fact that her partner had an interest in the company at the time the Department of Infrastructure was involved in the project. A whole range of questions need to be answered about this matter, and unless that occurs a dark cloud will hang over not just the member in the Upper House but also the minister himself.

This is a conspiracy that goes all the way to the minister's office because one of his key personnel in the Department of Infrastructure was involved in the project and has tried to cover up her involvement and protect Bruce Atkinson in another place. That proves that under this government standards have sunk to an all-time low. The minister must come clean in relation to this conspiracy.

Multimedia: developments

Mr PERTON (Doncaster) — The matter I raise in this grievance debate arises as a result of the speech made yesterday by Mr Will Hutton, Editor of the *Observer* newspaper in the United Kingdom. He was a guest of this Parliament at a breakfast yesterday hosted by the Speaker and the President. Mr Hutton is also an adviser to the Prime Minister of the United Kingdom and is very good at talking about modifications to the United Kingdom's political system.

What caused me great concern and has led me to alter my contribution to the grievance debate today was Mr Hutton's ignorance of the fantastic things that are happening in Australia and Victoria. In a very polite and friendly way he made suggestions as to how we could further develop the Australian economy. He suggested we might like to be more involved in horticulture. He kindly suggested that we might allow our universities to combine with industry to produce high-tech products. He also suggested that we might be able to introduce some call centres in Victoria for the benefit of Victorians.

After his address Mr Hutton took questions. I pointed out to him that all those things are happening in Victoria. Not only are we experts in horticulture, but in electorates to the north-west of Melbourne some farmers and agricultural producers determine not only their planting patterns but also their harvesting patterns according to the way the markets are working in Tokyo, Hong Kong and Singapore.

The Treasurer, who is also the Minister for Multimedia, and the Minister for Industry, Science and Technology have had great success in introducing call centres into Australia. They are not

just servicing residents but are part of international networks providing English language advisory services around the world as part of the efforts of international operations. I also pointed out to Mr Hutton that our universities are at the forefront of many areas of high technology and are combining with Australian business to sell products and services to the world.

I raise this matter because if an internationally influential person such as Will Hutton is ignorant of the good things that are happening here, I wonder how many of the potential investors in the United States, Europe and in other places are ignorant of the great things happening in this country. Although the Victorian Premier and the Treasurer are doing a good job in travelling the international markets of the world, addressing international financial markets and setting up Victorian posts around the world, it is quite clear the federal government has a major responsibility to ensure a greater acquaintance with the industrial and intellectual capabilities of Australians. In part I blame the former Labor government and former Prime Ministers Hawke and Keating for becoming too obsessive about their concentration on Asia and selling commodities to Asia.

As we look at the downturn that has now taken place in South East Asia it is quite clear that if we rely on commodity exports we will become more and more sensitive to downturns in those economies. We need to become more confident of our position on the international stage.

Australia's is not a small economy; it is the second largest economy in Asia, surpassed only by Japan. Yet over the past year we have allowed ourselves to be completely foxed, particularly by Prime Minister Mahathir of Malaysia. Of course, Pauline Hanson is an embarrassment, and the three parties and the two Independents in this house have condemned her for her statements and divisive comments. The reason she has continued to receive so much coverage across Asia is the ability of Dr Mahathir and other leaders in that area to require their media to cover the matters that their governments believe are important.

It is interesting that it took Australia so long to respond to Dr Mahathir's anti-Semitic and anti-Chinese comments. I am glad the Australian Prime Minister has said to Dr Mahathir that such comments are not acceptable in this region. Australia has allowed itself to be totally dominated by the debate on this subject instead of going forward confidently and selling the message to the world.

This week Melbourne is leading the way. Melbourne is brimming with enthusiasm with all things multimedia as a result of the Interact conference to be opened by the Treasurer tomorrow morning. More interesting still is the fact that representatives of G7, the group of seven major industrialised countries, met in Melbourne last week and expressed enthusiasm for the Victorian government's initiatives. That is terrific because, as these international experts said, the system we are setting in place is the most advanced in the world. It was only last night that Stephen Clift, one of the leading experts in electronic democracy, paid tribute to the Treasurer and the Victorian government not only for the model for electronic service delivery but also the fact that the government had managed to carry through with the design and construction of the model based on both best technical standards and good economic modelling.

The federal Minister for Communications and the Arts, Senator Richard Alston, will chair the United Nations ministerial–government–industry round table on electronic commerce as part of the 1997 Interact Asia Pacific Multimedia Festival. Indeed, Melbourne is fortunate that the Virtual Opportunities Congress will take place in this chamber on Friday, bringing together some of the best minds in the field.

Why does multimedia matter so much to Victoria? In the words of United States Vice-President, Al Gore:

> We are on the verge of a revolution that is just as profound as the change in the economy that came with the industrial revolution. Soon electronic networks will allow people to transcend the barriers of time and distance and take advantage of global markets and business opportunities not even imaginable today, opening up a new world of economic possibility and progress.

We are living in a revolutionary period, with technology driving our lives and careers in unimagined ways. The economy and society will be forever transformed by the changes wrought by the global information industry. Our children may be employed in jobs not even in existence yet, using equipment that has not yet been imagined.

I do not stand alone in that opinion. Mr Alan Greenspan, chairman of the Federal Reserve Bank of

the United States in evidence in the United States Congress last month said:

> The flood of investment in technology which we have seen over the past few years will lead to a once or twice in a century phenomenon that will carry productivity trends nationally and globally to a new higher track.

This is the fruition of the Liberal vision of one of my icons, Leonard Hobhouse, and I quote from his book *Liberalism*, which was published in 1911:

> The heart of Liberalism is the understanding that progress is not a matter of historical contrivance, but of liberation of living spiritual energy. Good mechanism is that which provides the channels wherein such energy can flow unimpeded, unobstructed by its own exuberance of output, vivifying the social structure, expanding and ennobling the life of the mind.

Information technology industries are growing at an incredible speed. Currently IT industries comprise 6 per cent of the world economy. By the year 1999 — only some two years away — that percentage is expected to increase to 10 per cent. That has huge implications not only for the Liberal government but for the Labor Party as well. Over the past 10 years 60 per cent of clerks' jobs have disappeared as the use of dictation software such as that being experimented with by Hansard in this Parliament increases. DragonDictate Naturally Speaking allows a computer to transcribe speech at the speed at which I am proceeding with 98 per cent accuracy. What will that do for the world of offices, for the world of middle management, and for distribution systems?

Interestingly enough — this is why I was horrified by Mr Hutton's ignorance of what we are doing — Melbourne is now regarded as a very important centre for the multimedia industry. The Victorian government is supporting the development of a strong and vibrant industry through a range of initiatives, establishing a hub of multimedia industry at the Tea House. Just as one associates San Francisco with multimedia, it is intended Melbourne and, in particular South Melbourne, will be branded as a multimedia precinct. The Tea House building currently accommodates Netscape, Teame, Netsurf, eMerge, Netsurf and Australian Multimedia Enterprise, to name but a few multimedia companies that have already set up operations there. Other initiatives include funding for industry training and support for establishing multimedia incubators, which are developing innovative companies and projects.

The advent of email, Internet and other forms of communications technology have shown education authorities that the constraints of time and distance are no longer as strong as they once were, and that has enhanced collaboration and research skills immensely.

The Victorian government is doing what it can to help our students cope with this world of change. The ratio of computers to students is currently 1:7, and the government's target is 1:5. Sixty-one per cent of the computers in our Victorian schools are less than three years old. Over the next three years the government wants to install another 45 000 multimedia computers in schools. To ensure that students make the best use of this equipment, $56 million will be invested over four years to upgrade teacher skills. Over the past five years the government has spent more than $50 million on science and technology in education to help keep students abreast of the communications revolution sweeping the world.

The Victorian government is doing its bit to make sure Australia stands tall in the new information technology age. But it requires more innovation at the federal level. The present federal government has been in power for only 18 months, but considerable neglect occurred in this area under both the Hawke and Keating governments. Training in these new technologies for school and university students and for the rest of the community is vital.

Last week I had the opportunity to meet Mr Daniel Petre, chairman of PBL Online, who gave me an hour of his time over coffee. In his book *The Clever Country? Australia's Digital Future*, Mr Petre, together with his co-author David Harrington, said that 'technophobia' among chief executives is one of the main factors holding Australia back. It is not just a matter of training the workers and students, as a society we must show leadership from the top. It is time both the opposition leader and the Prime Minister took a greater and more visible stand in this area. Perhaps instead of elaborately signed letters to each other they could communicate by email, thereby encouraging the community to follow suit. Perhaps teleconferencing, now available from laptop computers, would be a better form of communication between them, thus highlighting to the community the potential of current technological changes.

In conclusion, Dr Kenichi Ohmae, the man who conceived the Malaysian multimedia supercorridor, said that Australia can be the brains trust for our

part of the world. He said that Australia's greatest competitive strength is its human stock. Dr James Wolfensohn, an Australian and the President of the World Bank, said:

> It seems to me that for every sort of reason, Australia is in a perfect position to take advantage of this next century.

I concur with those comments, but add that Australia needs to show leadership. This will require bipartisan effort at the federal level to lead Australia into the online economy and to enable us to proceed with confidence to take full advantage of the intellectual property and human capital that makes up the Australian citizenry.

Water industry: reform package

Ms GARBUTT (Bundoora) — I wish to grieve today for the people of Melbourne who are burdened with massive price increases for water and sewerage. The government is conning them by saying that 85 per cent of properties will be paying on average 18 per cent less. The government's figures are grossly misleading and dishonest; the impact is grossly inequitable. The biggest losers are the battling families, living in modest properties in the outer suburbs, and tenants, in particular young tenants. The winners are the millionaire mates of the Premier and the well-off householders in blue-ribbon Liberal seats.

I shall quote some of the inequities that can be easily calculated from the new figures. If you have a property valued modestly at $100 000, under the old system on an average consumption of 270 kilolitres per annum you would have paid $568 a year. Under the new system, averaging across the three water companies — South East, City West and Yarra Valley — you will pay an extra $16 annually on average. But if you own a $500 000 house, where you paid $1444 a year for an average consumption of 270 kilolitres under the old system, you will now save annually an average of $1037.80. That is looking good. However, if you really are in the top class — if you are a millionaire — under the recently announced system you will be saving nearly $2500 as against the current bill of $3306, an average annual saving of $2371 dollars. That illustrates the inequity of the battler in the modest $100 000 home paying extra while the millionaire in the $1 million home saves nearly $2500 a year.

The changes will cut the service charges, which were based on 1990 property values, and increase the user-pays charges for water and sewerage. That will mean a rejigging of water bills. Service charges will come down enormously for people who have valuable properties but people who own modest homes will save little on service charges, and everyone will pay more in consumption charges. The balance between those charges will determine whether people will save or pay more. There will be big winners, and the biggest will be the millionaires who own very expensive properties; there will be big losers, mainly the battlers in the outer suburbs and tenants.

The key figure is the average consumption level. The government dishonestly tried to exaggerate the savings by lowering the average consumption in the figures it gave as examples. On the day the changes were announced the average consumption level was quoted at 230 kilolitres per annum compared to that used by the previous minister when announcing the changes in 1994, and the figure used for the past 10 years has been 270 kilolitres per annum. The average consumption had suddenly dropped by 40 kilolitres down to 230 kilolitres per annum. Suddenly 40 kilolitres per annum had just evaporated.

That sort of figure has an enormous impact in a pricing structure that is based almost entirely on consumption — it has the effect of exaggerating the savings. It was a crude and dishonest attempt to deceive people. It is part of the massive con that the government is trying to perpetrate on the people of Victoria about the real impact of its changes.

The government claims that 85 per cent of householders will be better off and that an average saving of 18 per cent will be made. That is a smoke and mirror trick. Let us look at some examples provided by people I have contacted or who have contacted me over the past two weeks who have recalculated their last bills on the basis of the new pricing structure.

Ann and Bill are pensioners from West Heidelberg. Their bill of March this year, which was $170.45 after the pensioner rebate, would go up to $229.03 — a 35 per cent increase on the same consumption of water. Where is the 18 per cent average cut in that example? Those people will be paying more, yet that was not spelt out clearly in the government's dishonest figures.

Penny is a mother of two children who also lives in West Heidelberg. The bill she just paid came to $147.91 but would be $177.67 under the new

scheme — a 20 per cent increase. Penny is worrying that she will not be able to afford it; she already finds it very difficult to pay bills as they come in. Penny is a working battler with two small children. She is one of those that the Premier said he was going to remember when he talked about the forgotten people at the last election. He has forgotten her again. He remembers the battlers only at election time, and then they are forgotten again.

Let us look at a family living in my electorate of Macleod. That family of two adults and two children would be fairly typical for the Macleod area. That family will not get an 18 per cent cut; its bill will go up by $10 a quarter or $40 a year. It is pretty hard to make the money go around when you have two growing children, and it is pretty rude to be promised you would be one of the 85 per cent who would have a cut of an average of 18 per cent only to discover you have to find an extra $40 a year. It is part of the government's con and its attempt to hide the real impact of what it is doing.

Tenants are another group that will lose. I have been approached by tenants who become desperate when they recalculate their bills on the new pricing structure. A married man with one child living in rented accommodation in Eltham will experience a 50 per cent increase in his bill. Like most tenants he pays only consumption charges and his bill from Yarra Valley Water will go up by 50 per cent. The opposition has copies of that man's bills and any honourable member who wishes to do the calculations will realise that is an accurate prediction.

Calculations by another tenant, a mother of several primary school children who lives at Aspendale Gardens, shows the bill she paid on 15 September would have been $47.60 under the new regime — an increase of 80 per cent. The old bill of a third tenant from Rosanna was approximately $40, but under the new regime it would go up to $71, an 85 per cent increase. Tenants will be big losers under this system.

Those figures reveal the government's use of dodgy figures once again. Tenants, who comprise 25 per cent Melbourne households, will all pay more because they pay consumption charges, which are going up, and their landlords pay service charges, which are going down. Landlords might get the savings but tenants will be slugged with a hefty increase. That blows out of the water immediately the government's claim that 85 per cent of households will be better off. Even if tenants were the only ones who will be worse off, and they are not, the government's claim that 85 per cent will be better off is absolutely fraudulent. It is a smoke and mirror trick. It is part of the great con.

Tenants are distributed across all suburbs, and I refer to some interesting figures from the ABS 1996 census. The City of Boroondara has 27.8 per cent of all private dwellings occupied by tenants. In Frankston 21.9 per cent of all occupied private dwellings are tenanted. Tenants make up approximately 29.1 per cent in the City of Glen Eira. The figures for other municipalities are: Kingston, 23 per cent; Maroondah, 19.5 per cent; Monash, 21.1 per cent; Yarra, 51 per cent; Stonnington, 43 per cent; and Port Phillip, 51 per cent. Tenants in all suburbs will be hit by the changes.

The changes will hit young people particularly hard. I am advised that 70 per cent of all young Victorians who live away from home are tenants. The typical pattern for a young person shifting out of home for the first time is to rent a property, often sharing with a few friends. Many are students and do not have much money to spare. They will be hit with enormous increases — 80 per cent is fairly typical for tenants — and they will have to dig deep into their pockets. It will be a real body blow for young tenants in Victoria.

A total of 25 per cent of all renters are aged under 25, so they are a significant proportion of the population — and they are the ones who will pay the price for the government's con.

Turning to the overall changes in the period from 1992 to 1998, when the new charges will come in, a factoring in of the previous massive increases in water prices imposed by the government reveals clearly that the government's claims that it is actually cutting water prices is a great con. Calculations by the opposition show that the cost of water increased by an average of 30 per cent prior to the latest change, and that even if there were an 18 per cent reduction — and not many people will get that — people would still be worse off.

Let us have a look where the winners and losers are. Losers are people living in the City of Berwick, who will have suffered a 13.76 per cent increase since 1992. Their water bills will have gone up on average from $519 in 1992 to $589 in 1998 under the new system, so they are being ripped off by the government. Other big losers live in the municipality of Bulla, where the average increase will have been 14.67 per cent from 1992. Let us look at the figures from Bulla because I see that the

honourable member who represents the area is looking fairly interested. The average water bill in 1992-93 was $513.

Honourable members interjecting.

In 1998 when these changes come in on average constituents will be paying $588, a 14.5 per cent increase. Other municipalities affected are Cranbourne, with a 20 per cent increase; Frankston, with 16 per cent; Hastings, with 17 per cent; Oakleigh, with 10 per cent; Pakenham, with 20 per cent; Ringwood, with 10 per cent; Sherbrooke, with nearly 17 per cent; Tullamarine, with a 13.34 per cent increase in water bills; and Werribee, a 23 per cent increase since 1992.

Under this government water bills have not gone down, they have gone up, and they are still going up. They are going up most particularly for the battlers and tenants. This is about privatisation, fattening up the water authorities for sale to private companies — perhaps overseas companies. The $850 million 'gift' to Melbourne people to help reduce water prices — that is the government line — will in fact end up being a gift to the private Australian or overseas companies buying Victorian water authorities.

The bottom line is privatisation, increasing profitability and basing prices on the user-pays principle instead of on property rates because private companies can not levy property rates. It is about fattening the companies up and selling them off. This is not a gift to the people of Melbourne; it is a massive slug. Melburnians are paying more for their water. The government is using dodgy figures and there are big losers, especially among the battlers in the outer suburbs, people with modest houses, tenants and in particular young people — they are the big losers. The whole exercise is a con. It is not about reducing water prices. It is about making a gift to foreign companies of our water authorities.

2000 Olympic Games: organisation

Mr FINN (Tullamarine) — Having heard for the past 15 minutes the rampaging paranoia of the honourable member for Bundoora and some of the weird and wonderful thoughts that go through her mind I think we might be well advised to move on to something that really matters.

I wish to make it very clear that I strongly support the Olympic Games scheduled for Sydney in 2000. Thousands of grassroots sportspeople throughout Australia are working feverishly to prepare for the games and to ensure that they are as successful as we all hope.

Melbourne has a great role to play in the lead-up to the Olympics in training and acclimatising athletes. I sincerely hope the Sydney Olympics will be just as successful as the Melbourne Olympics were in 1956 — which was five years before I was born but I am told they were very good indeed. They, of course, were known as the Friendly Games. One can only hope the Sydney games will earn a similar title.

Looking at it today, 29 October 1997, I have to say that from the perspective of a lover of sport I have grave concerns about Sydney's capacity to organise and successfully run the Olympic Games. At the moment I can see a major threat to Australia's international reputation. If the Sydney organising committee botches this it will take Australia at least half a century to recover its reputation as a place to visit.

Mr Pandazopoulos interjected.

Mr FINN — As the honourable member for Dandenong says, it will probably be worse than that, but I am giving Sydney the benefit of the doubt. One area currently posing a huge threat to the success of the Sydney Olympics — to use an example that springs immediately to everybody's mind — is that joke of an airport in Sydney. It is a disgrace; there is no doubt about that. Nobody I have spoken to — and I have spoken to a huge number of people in the aviation area, which is to be expected because I represent the electorate of Tullamarine — expects that Sydney Airport will be able to cope with the amount of traffic the Olympic Games will bring. There is no way it can cope with its present traffic, so one cannot begin to imagine the absolute mishmash of confusion that will reign supreme when the Olympic Games commence.

It is clear that a quick and easy solution would be to use Melbourne Airport as a gateway to Australia during that period. Melbourne's airport has the capacity to handle the flights and I have no doubt, given the opportunity, would work superbly to provide the service that the Olympic Games certainly need.

Last Sunday we heard about the extraordinary situation in Sydney where a homeless man walked on to an international aircraft and sat down in business class without a ticket or passport — just

walked on to the plane and sat down in business class — and I understand they were about to serve him a drink when he was discovered. Those sorts of things pose great threats to the success of the Sydney Olympics and to Australia's international reputation.

An honourable member interjected.

Mr FINN — I do not know if the honourable member for Thomastown has ever flown business class, but if he has not I guess we have succeeded in keeping the riffraff out of business class. Another significant problem concerns the transport system. I was unfortunate enough to be in Sydney last year on the day the Olympic flag arrived. It closed the city down for 4 hours. If a flag can do that to the city of Sydney what are the games going to do? It is just horrific to even consider what is about to descend upon that unfortunate city to our north.

Sydney's transport system is not the best in the world by any stretch of the imagination. Its roads are always clogged, traffic jams are a way of life — and that is now. What is it going to be like in 2000? It will make Atlanta look like a dream. The extraordinary thing is that most of the visitors will be staying in and around central Sydney where most of the hotels and accommodation are situated. The Olympic site is out in the western suburbs somewhere — a fair hike, to say the least, from the city. How is Sydney going to cope with getting many thousands of people to the Olympic site every day? The New South Wales government tells us construction of a train line is under way, but it is my understanding that it is behind schedule. There could be doubt about its being in operation by the time the Olympics begin in 2000.

Many thousands of Australians are concerned about Australia's international reputation and the effect a botched Olympics will have on that reputation.

We have seen with considerable and absolute amazement, the total confusion of the organisation of the Sydney Organising Committee for the Olympic Games (SOCOG). In the past four years the Sydney organising committee has had three presidents and three chief executive officers. The current president is Michael Knight, the New South Wales Olympics minister, who will not be the minister after the next election when the Carr government is defeated.

We will have the extraordinary situation where just prior to the 2000 Olympic Games, the president of the committee will no longer be president! We will be looking at a fourth president! It is extraordinary to see what has happened during the past four years. Gary Pemberton, the first president, resigned in March last year for family and business reasons. At the time there was speculation about disagreements with the president of the International Olympic Committee, Mr Juan Antonio Samaranch, and his good friends in the Carr government. John Iliffe was the next SOCOG president, but he lasted for only six months. He left for 'structural reasons', whatever that means. The now president is Michael Knight who, as I said earlier, will not be there long because he will lose his seat at the next election.

Gary Pemberton pops up again as chief executive officer. He was chief executive officer before becoming president. He was the chairman and acting interim chief executive officer before becoming the president of SOCOG and his successor as chief executive officer was Dr Malcolm Hemmerling. He did better; he lasted two years. He was forced to resign after clashes with minister Knight. The current chief executive officer is Sandy Holloway. What is going on in Sydney? These people have a huge responsibility and they are not carrying on in the way Australians or anyone else would expect.

The financing of the games has been in considerable disarray for some years. I quote from the *Weekend Australian* of 5–6 April in which an article by Brian Woodley raises concerns about the financing of the games. The article states:

> This is the 2000 Olympics, Sydney style — the story of a brawl between a secretive NSW government and its auditor against a background of opaque financing.
>
> The departure of Hemmerling, the chief executive brought into the Sydney Organising Committee for the Olympic Games (SOCOG) by Gary Pemberton before Pemberton was replaced as president by John Iliffe, who in turn was replaced as president by Olympics minister Knight, adds spice to the story.
>
> There are tales of political patronage and encroaching offices, along with warnings to watch the body language.

It is a huge concern when we hear about these things going on for an event that is so important for the future of Australia and Australian sport. The land contamination issue has been bubbling along for the past two years. Just two days ago the *Sydney*

Morning Herald had an article about the problem which states:

> Record levels of dioxin contamination with a toxic rating of 1500 times higher than the 'safe' United States standard for residential areas have been discovered at the Olympic site.

We have less than three years to go and they are still discovering high levels of contamination at the Olympic site! The report continues:

> The report — *Bay of Secrets: the Clean-up of Homebush Bay* — questioned the adequacy of the government's $21 million to remedy a 'toxic cocktail' in the bay's sediments.
>
> It described the bay as one of the most polluted waterways in the world.

This is the place where the eyes of the world will be focused in less than three years. This is the place where millions of people throughout the world will be judging Australia and yet it is one of the most polluted waterways in the world. What is going on there? Something has to be done now and I am not talking about the Carr government's bed tax. Even the president of the IOC, Juan Antonio Samaranch, has criticised the Carr government for its proposed 10 per cent hotel bed tax. He was reported at a recent news conference after a week of meetings with members of the Sydney organising committee for the games saying that he was not happy with a new tax being raised on the occasion of an Olympic Games. He states:

> It is better not to have this tax. We are not very pleased.

I understand many people in New South Wales and Sydney are not pleased about the way the Carr government has seen the opportunity to cash in on the Olympic Games and boost its sagging finances. It should not come as a surprise when one considers it is a Labor government, which is not well known for handling finances properly. These problems are threatening sponsorship of the games and in many ways are threatening the success of the games.

I have one plea. It is clearly a great tragedy that it is too late for the IOC to relocate the games to Melbourne, because we would run them in the way that only Melbourne could. I have a plea to the New South Wales government and to SOCOG. They have a little more than 1000 days left before the games begin. Australia's reputation is resting on their shoulders. Please get your act together. This is a major event not just for Australia but for the world.

Schools: integration aides

Mr MILDENHALL (Footscray) — I grieve for ill and disabled students in the Victorian education system, the harshness of the government's cutbacks, the inflexibility of guidelines, the unreasonableness of the Department of Education bureaucracy and the difficulties imposed on parents as a result of the formula-driven insensitivity of the department, overseen by a particularly insensitive minister.

The first example of the four examples of neglect I shall point to is the minister's extraordinary decision to sack more integration aides before the review of integration funding is complete and before the full demand for integration aides and teachers is known for next year.

On 20 October a memo was sent to all schools headed '1997–98 voluntary departure packages in schools'. The memo set out the department's aim to target teachers and school services officers, particularly integration aides, where budget savings can be made. It is extraordinary that more than 9100 teachers have been pulled out of the system already through voluntary departure packages since the election of the Kennett government, but apparently hundreds more have to go. I do not know what the minister's target is? The minister and Mr Spring, the director-general of the department, must be on a performance pay target with the magic figure being 10 000 teachers sacked or pulled out of the system. The offer for VDPs will be made from mid-November. The staff who are successful, if that is the right word, will not be replaced in schools.

The staff who take the package cannot be re-employed for three years, despite the demand for integration aides.

If anything came out of the hullabaloo midway through this year over the lack of integration resources, following the tragic death of Emily Schwab, it was that there is enormous unmet demand for integration aides and resources in schools. But the minister is removing integration aides from the system before the results of the review are known.

Following the tragic death of Emily Schwab, the minister announced — and we certainly supported — a review of the need for integration aides and of funding and the administration of the

system. The opposition supported that; it was a sensible thing to do. The minister had been caught with inflexible guidelines that did not match the reality in schools that a student who was dying with a brain tumour was deemed not to be eligible for special assistance, that is, not sufficiently disabled, impaired or impeded in her learning to warrant any special assistance. That extraordinary situation certainly warranted a review of integration funding.

Now the very aides who would be able to assist during the shortage of resources are being pulled out of the system. They will be pulled out of the system from the middle of next month; the offers of packages are out there now. The review is not due for completion until 30 November, by which time many of the integration aides will have gone, and the applications for integration aide positions for next year close at the end of this month. Although we will not know the level of demand for next year or the results of the review, the resources are being pulled out.

The minister has learned nothing from the tragic death of Emily Schwab or from the public outcry that followed it. He has pre-empted the outcome of the review; he has opted to reduce the effort. The minister's sincerity and integrity are certainly called into question.

The second issue is the stress experienced by and the difficulty imposed on parents of children with disabilities who are students in schools in specialist settings. Another particularly harsh administrative decision has been made about the imposition of designated transport areas around specialist schools, which means that only students who live in particular designated transport areas are eligible to use the government buses going to those specialist schools. Under the new rules the department will not even allow parents to drive into a designated transport area and meet a half-empty bus on its regular route. Parents have complained to me; they are asking only for a half-empty bus to pick up their child who would be standing at a corner of a street on the regular bus route. When parents ask, 'Would you please take my child to the school in which they are enrolled?', the department says 'No'.

The department will not even allow siblings to join students on the bus. So one child who has pre-existing rights is on the bus, while the other disabled child stands on the corner waving, heartbroken that they cannot go to the same school as his or her brother or sister. It is an extraordinarily cruel and harsh policy.

The department will not allow any exceptional circumstances, such as families who have been forced to move as a result of a change of tenancy in a public housing area, to be taken into account, so some students have had to move just outside a designated transport area. No exceptions will be made and the new policy is being particularly harshly applied. It has severely affected dozens of families in many areas, particularly those enrolled at the Concord and Glenallen schools.

It really boils down to enrolment policy. The department is effectively saying to children, 'You may go to one special school but not another. We will not even allow you to pay to jump on the bus. We will not allow you to stand on a corner as a half-empty bus goes past'. It amounts to an enrolment policy that says, 'We will allow you to enrol in the school of your choice if it is a mainstream school, but not a special school. You can go to only one school'.

It is no wonder that parents are complaining to the Equal Opportunity Commission. The department was rolled on the harsh closure of Northlands Secondary College and now it is in the Supreme Court with the Berendale School parents, who have lodged another Equal Opportunity Commission complaint that the department will have to deal with. It is another particularly harsh and inflexible bureaucratic decision that ill serves some of the more vulnerable students in this state and their parents who are already doing it very hard, trying to manage, plan and monitor the education and development of their children in circumstances that everyone would agree must be very difficult.

A third matter is the inflexibility of the department in considering applications for students to attend special schools. I direct the attention of the house to one case. Jaren Hare, a 13-year-old student at the Monash Special Developmental School, has Landau-Kleffner syndrome or acquired aphasia with convulsive disorder. Despite Jaren's having made extraordinary progress in an interactive program conducted over three days per week at Ashwood Special School and the recommendation of experts, the department will not approve an application for him to move from the Monash school to Ashwood. The most recent report was prepared in August this year by Bill Van De Meene, a psychologist who has done an extraordinarily wide-ranging set of tests and written a most comprehensive report. Despite his opinion and the willingness of parents, teachers and the principal at Ashwood for Jaren to attend the school, I am

informed by Jaren's parents that the department is being inflexible and saying, 'No, you can't move'. Again, there is no choice for the parents of young Jaren Hare. The department is saying, 'Your son is enrolled in one school. Despite the opinion of experts, your wishes and the obvious and visible progress young Jaren has made, this decision is not appealable'.

There is an impasse and young Jaren has not been to school since 16 September. The department is totally incapable of resolving this issue. The minister must step in and show some heart and flexibility. He must show there is some common sense left in this administration somewhere and try to assist young Jaren. If these examples are not bad enough, the government is getting stuck into school nurses, of all people. The 80 school nurses screen more than 80 000 primary school students a year, and refer 7000 of them to other professionals for hearing and visual tests, so that the problems can be dealt with by specialists before learning difficulties set in.

What did the Department of Human Services, headed up by the cruel Minister Napthine, want to do? If he had not been sprung by the nursing federation those nurses would have gone from the start of next year. He clearly intended to off-load the program on to the maternal child and health service — another big flick pass to local government, which was unprepared for it and would have been the last to know.

A huge and comprehensive multimillion dollar program has been flick passed off. The minister has been caught on this one. He will produce some sort of discussion paper but his intentions are clear. The minister must undertake to take the key people with a stake in the issue into his confidence, to have fair dinkum consultation and to genuinely look at the options. He cannot just flick pass the program and sacrifice and endanger the health of primary school students with more ideologically driven budget cuts.

The minister says that we want to be purchasers, not providers. He needs to have a heart and to care about the ill and disabled students in this state. There are four examples of absolute neglect by this government and it needs to review its priorities. Budget cuts and a fixation with ideology must be put aside and priority given to a more sensitive and comprehensive way of dealing with ill and disabled students in this state.

Education: standards

Mr DIXON (Dromana) — Today I grieve for the way in which some sections of our community have been knocking and negative about our wonderful schools and dedicated and professional teachers. This has been especially the case recently with literacy. I am not sure what drives this. I think there are multiple reasons, and one of those is just pure ignorance about education and about what goes on in our schools. I think another motivation is political gain. That is a pity, because that is very demoralising for our teachers and schools and it certainly makes the school children political pawns.

Some of it is due to some sections of the community wishing for the good old days of education. I have my doubts about the so-called good old days of education because, although I was a product of them, I know a lot about schools and I think education these days is far more rounded than what occurred 20 or 30 years ago. In fact, mediocrity seemed to be the norm then.

The aim of education was to bring everyone up or down to the same level. In fact, it became quite an art form in the last decade in a way that was reminiscent of 30 years ago. In the good old days if a student had talent there was no drive or ambition to extend that child and give him or her further educational experiences or to really develop and consolidate strengths. Conversely students who were not talented were just expected to catch up or were punished as a means, in an unsound educational sense, of bringing them up to standard. These days we have a multitude of programs to help and work with students who are not achieving.

The concept of a literacy crisis is something that seems to ebb and flow over the decades. It seems to me to become a flavour of the month and all sorts of arguments are used to back up claims, and then it goes away again. There has never really been a substantial and sound educational reason to say that we are going through a literacy crisis. It is usually just based on hearsay, and some of the reasons I mentioned earlier.

I think the media must take some blame for this, too. In order to sell papers or get ratings the media likes to publish bad or sensational news, and education is not a bad whipping boy on occasions. What disappoints me is that a lot of so-called educational experts in the media, especially in the print media, really take a simplistic approach to their reporting on education so that their readers can understand it.

As soon as you start making a thing as complex as education simplistic you are in a lot of trouble and you are doing a great disservice to the standard and subjects of your reporting.

There have been a number of positive reports and research into education. I would like to mention a couple. In 1989 Rosie Wickert undertook a study entitled No Single Measure. One of the major findings from that study was that:

> A total of 90 per cent of individuals with literacy problems nominated health, background, school absence or attitudes to school as reasons for their low levels of literacy.

It is the schools that made the positive difference to those individuals, and I have seen a multitude of examples of that. The schools cannot be blamed. It is very easy to blame them, but there are many complex reasons for failure in students.

The 1996 LAP results, which were one measure of educational achievement in our students, revealed that 90 per cent of students were achieving at or above the expected level. From educationalists to whom I have spoken and from what I have read and from studies I have done over the years I would say that that 10 per cent of students who are not reaching the levels that we would expect would be a far more accurate picture than some of the figures that are bandied about, such as 33 per cent.

In 1995 the Australian Council for Educational Research undertook a study and found that junior secondary students in Victoria were well above the Australian standard, and that they were performing not at a falling level but at a level that has gradually improved over the years. Professor John MacBeath from the University of Strathclyde, who is a noted professor of education, has stated that the community values most what it can measure easily, instead of measuring what it most values. I think our schools are very much fulfilling that positive ideal.

Schools are moving in a positive direction. They know what is valuable and they know how to measure it — they have the educational means to measure things that are educationally important. The LAP test is just one of the ways of measuring those things and I think it is mischievous to suggest that the government is putting all its measurement and accountability eggs in one basket. That is not happening in schools. The LAP test is just one way of measuring educational outcomes.

In the 1970s and 1980s we saw huge increases in educational funding at the state and federal levels. It was the flavour of the day and a lot of money went into schools. I came into the education system during those years and I could not believe the increases in the amount of money that went into schools — the reduced class sizes, the equipment levels, the building levels and the staff salaries.

Although all that money was put in there has been no measurement of outcomes. We do not know whether it worked and whether we achieved the expected outcomes. No measurement was done; nobody knows. I have my suspicions that the students of those years are the ones who are now in the work force and are the ones about whom we hear complaints from employers. I just do not think that this pouring in of resources on its own is the true way to do this. It is no great panacea for any of our educational problems.

Society now requires that a measurement be built into all areas of life and people want reporting back. The parents especially want to know what is happening in our schools, as they are important stakeholders. The teachers need to know what they are doing well or not well and where their students are not achieving so they can direct their programs to addressing those areas. There is nothing wrong with that. The emphasis of our society in general and parents in education in particular is that the establishment of a very good measurement standard, with reporting and accountability, is the right direction in which to be going.

The quality of education is not measured in dollar terms; it is a qualitative thing, not a quantitative thing. A number of quality things are happening in Victorian schools, such as self-management, global budgets, smaller bureaucracies, and a rationalisation of an overcrowded curriculum. Society puts huge pressure on schools to provide a lot of the education and skills that students are perhaps not able to gain through their families. The schools are involved also in rationalisation, school charters and an accountability framework, whereby schools have to produce annual reports and then conduct a triennial review to ascertain whether they have met their charter and where they expect to go in the future.

Businesses are also involved in schools to a certain extent, by filling in some of the gaps and providing some expertise and resources that would not have been available in education previously.

Debate interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I do not wish to interrupt the honourable member for longer than I need to, but he will not lose time — the clock has been paused. I welcome to the gallery a delegation of five members of the Aichi Prefectural Assembly, led by Mr Yoshiki Yoshioka. The Aichi Prefectural Assembly is the parliament of the Aichi Prefecture, which is a sister state of Victoria. Over the years the Prefectural Assembly and the state have been very kind in receiving and looking after members of this Parliament, both from this house and the other place. We thank you, gentlemen, and welcome you to the gallery.

GRIEVANCES

Education: standards

Debate resumed.

Mr DIXON (Dromana) — It is a bit disconcerting to know who is sitting behind me — I am sure the delegates are enjoying my input!

Another quality measure in Victorian schools is the encouragement of parent involvement not only in the educational programs but also in the decision-making process. Parents have the opportunity to receive training to help their children to achieve better educational outcomes.

Opposition members often use the measurement of class sizes as the be-all and end-all of educational quality measurement. I beg to differ, because it is just one of a dozen measures of what makes good quality education. There is a minute difference between class sizes in this state and other states of Australia, so they are quite comparable with those of other states. In fact, research shows that having a class size of 25 or 30 really makes no difference to the educational outcomes of the students. What is important is the quality of the teaching. Class sizes would need to get down to 15 or 18 to make any real difference in the educational outcomes of students, and that is just not possible to achieve.

If there was one more child in each class in a large school of 30 classes that virtually gives the school the extra resource of one extra teacher. That teacher may be used as a teacher aide, an integration aide, social worker, speech therapist or in specialist programs such as reading recovery, music or physical education. Therefore, it is out of context to use the measurement of just class sizes and highlight a minute difference in class sizes; it is just not a measure of what makes good education.

The other measurement that is often thrown at the government is retention rates. Historically retention rates have been linked to available employment opportunities, which change as opportunities increase and students become ready and able to go out into the work force. We do not have a clear black-and-white delineation between school and the work force because now we have vocational education and TAFE courses, business placement and so on; the line is very much blurred. Therefore, the simple comparison of current retention rates with those of 10, 20 and 30 years ago is just not a reputable comparison or measure of educational standards.

The current continual increase in funding to schools is better directed at educationally sound targets. It is not directed at just reducing class sizes or increasing teachers' salaries. There is not a literacy crisis in our schools. The teachers are doing better than ever. They are tackling literacy with resources, sound teaching methods and relevant programs, and the results are being measured and communicated to the stakeholders — the parents and the community. I note this especially as I visit the schools in my electorate where they are doing a wonderful job.

The standard of education in primary and secondary schools in my electorate is excellent, especially against the background of social disadvantage. The teachers and principals are not committed to helping themselves but to helping all the children in their care, no matter who they are, what level they are at or where they come from. The teachers and principals are continually seeking ways of improving education in the schools of my electorate. They are also developing programs and organisational structures that facilitate that development.

I have no hesitation in saying 'Well done!' to the teachers in Victorian schools, where standards are very good. If the so-called commentators and knockers intend to make announcements and pass judgment on our schools they need to get the facts. They need to know what is really happening in our schools and examine trends before they make statements that are demeaning to the quality of our schools and especially our teachers.

Public transport: automatic ticketing

Mr BATCHELOR (Thomastown) — I join the grievance debate to raise matters concerning the $330 million automatic ticketing fiasco that has plagued Melbourne from March 1993 right to the present day. It has been a fiasco from day 1 and it drags on; the problems continue. But in spite of that, the government seems to be completely incapable of resolving them. It does nothing. It makes a few pronouncements now and then, but year after year the same old problems arise and the government makes the same old claims.

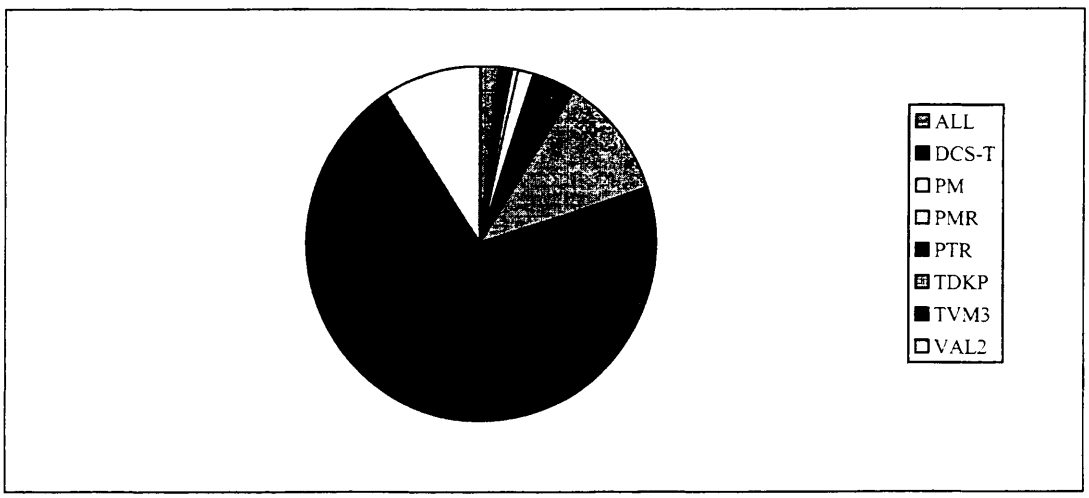
Periodically the Premier rants and raves about the numerous delays and failures but in effect he does nothing. One needs only to refer back to March 1995 when, at a Liberal Party conference, the Premier first expressed his public concerns about the automatic ticketing contract and the delays that were being experienced. At that stage he threatened that if the situation did not improve and the company did not lift its game the government would cancel the contract. That was in March 1995 — a long time ago. Again in July this year the Premier's patience was tested and the *Age* of 25 July reported the Premier as threatening to walk away from the contract because of ongoing delays. More recently, in September this year the Onelink consortium was given an ultimatum to get the system up and working within 20 business days or its contract would be cancelled. Nothing could be more definitive. Nothing could be stronger than telling Onelink it had a deadline of 20 business days and if it had not completed the phase 1 trial and had it working to the government's satisfaction by 15 October it was history — good night! But of course that did not come to fruition. The Onelink consortium received a very good Christmas present. A few days before the Premier's deadline the government sent out the Minister for Transport to further extend the deadline. The Onelink consortium was given another two or three months into the New Year to resolve the issues that had been at the heart of the automatic ticketing system from the very beginning.

To gain a better understanding of the dimensions of the problem and to better understand why the Premier, as reported on 25 July, again lost his cool and went troppo about automatic ticketing, one need look only at the summary of faults occurring on tram equipment contained in the tables to which I will refer. Honourable members will recall that a trial of automatic ticketing is being undertaken in the eastern suburbs on trams, trains and buses. However, the tables compiled by the PTC document only report the types of failures that have occurred on the tram system. I seek leave to have the tables incorporated in *Hansard*.

Leave granted; tables as follows:

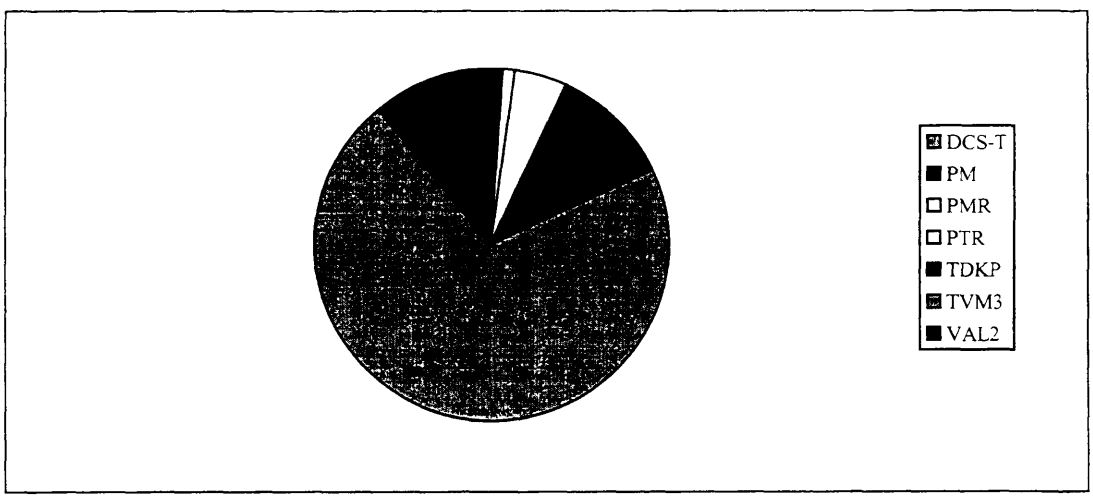
Summary Of Tram Faults By Equipment Type (June 1997)

Equip Type	No. Of Faults	% Of Total Faults
All Devices	5	1.7%
Depot Computer System — Tram	3	1.0%
Portable Memory	2	0.7%
Portable Memory Reader (Depot)	4	1.4%
Portable Ticket Readers	11	3.8%
Tram Drivers Key pad	33	11.3%
Ticket Vending Machine (Tram)	208	71.0%
Ticket Validator (Tram)	27	9.2%
Grand Total:	293	



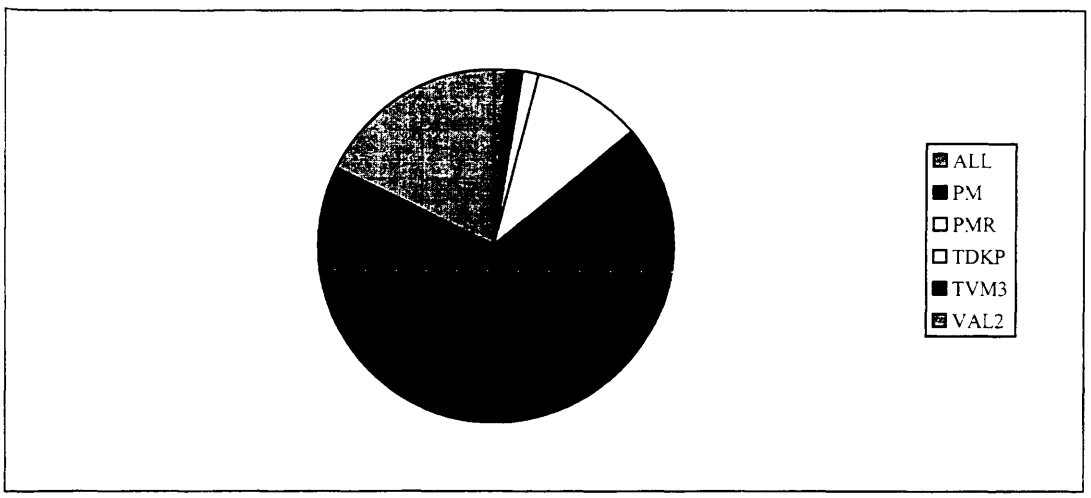
Summary Of Tram Faults By Equipment Type (May 1997)

Equip Type	No. Of Faults	% Of Total Faults
Depot Computer System — Tram	1	0.3%
Portable Memory	2	0.7%
Portable Memory Reader (Depot)	4	1.3%
Portable Ticket Readers	14	4.7%
Tram Drivers Key pad	33	11.0%
Ticket Vending Machine (Tram)	214	71.1%
Ticket Validator (Tram)	33	11.0%
Grand Total:	301	



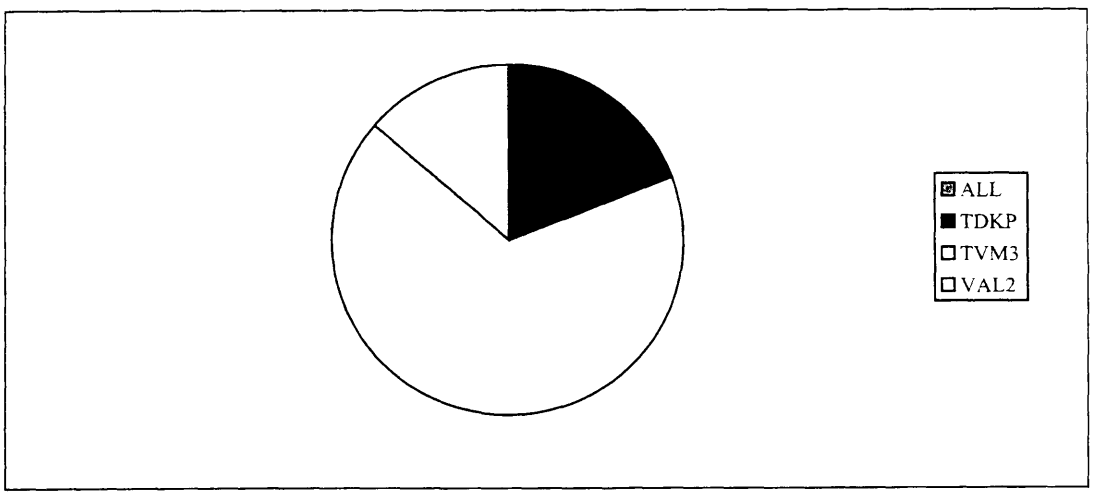
Summary Of Tram Faults By Equipment Type (April 1997)

Equip Type	No. Of Faults	% Of Total Faults
All Devices	2	1.0%
Portable Memory	3	1.5%
Portable Memory Reader (Depot)	3	1.5%
Tram Drivers Key pad	20	10.0%
Ticket Vending Machine (Tram)	137	68.2%
Ticket Validator (Tram)	36	17.9%
Grand Total:	201	



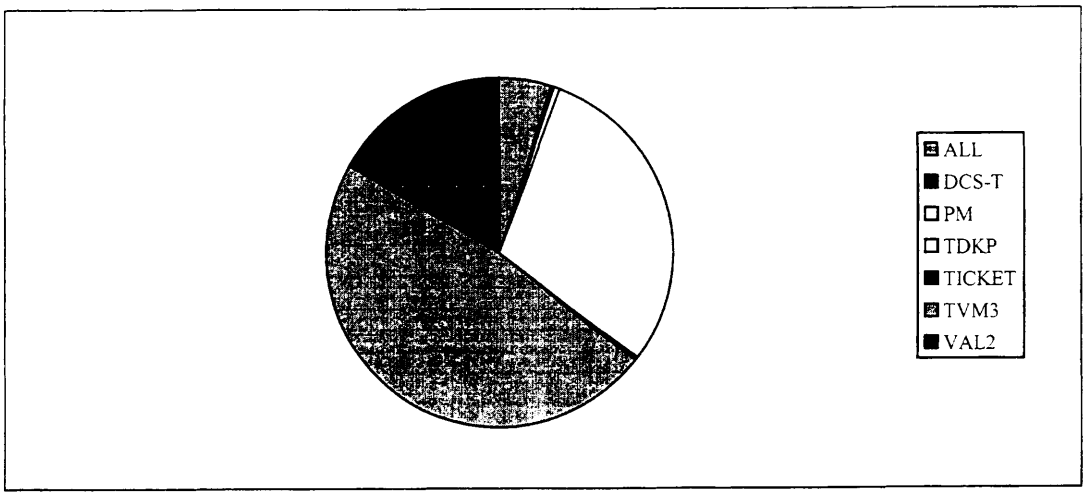
Summary Of Tram Faults By Equipment Type (March 1997)

Equip Type	No. Of Faults	% Of Total Faults
All Devices	1	0.4%
Tram Drivers Key pad	51	18.7%
Ticket Vending Machine (Tram)	184	67.4%
Ticket Validator (Tram)	37	13.6%
Grand Total:	273	



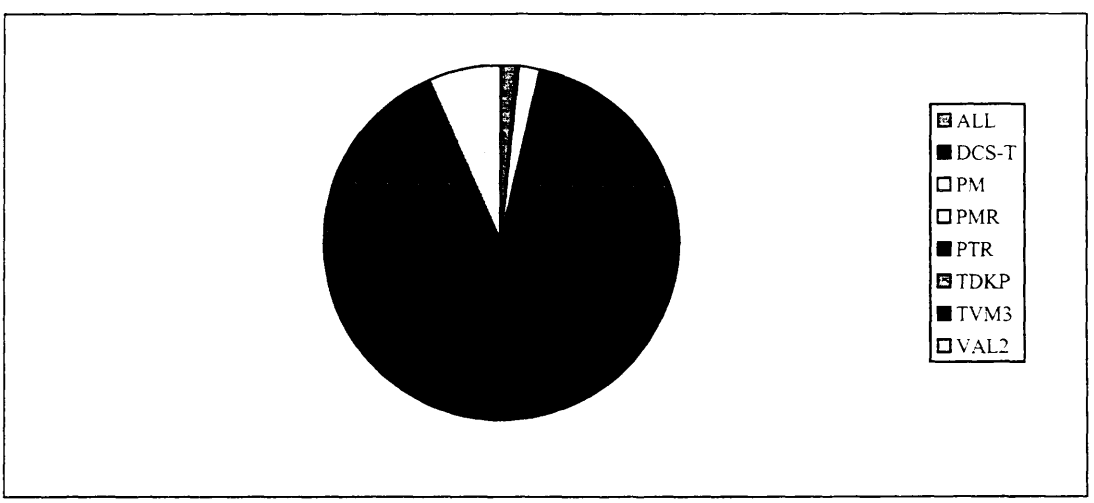
Summary Of Tram Faults By Equipment Type (February 1997)

Equip Type	No. Of Faults	% Of Total Faults
All Devices	13	4.9%
Depot Computer System — Tram	1	0.4%
Portable Memory	1	0.4%
Tram Drivers Key pad	78	29.5%
Met Card Ticket	1	0.4%
Ticket Vending Machine (Tram)	126	47.7%
Ticket Validator (Tram)	44	16.7%
Grand Total:	264	



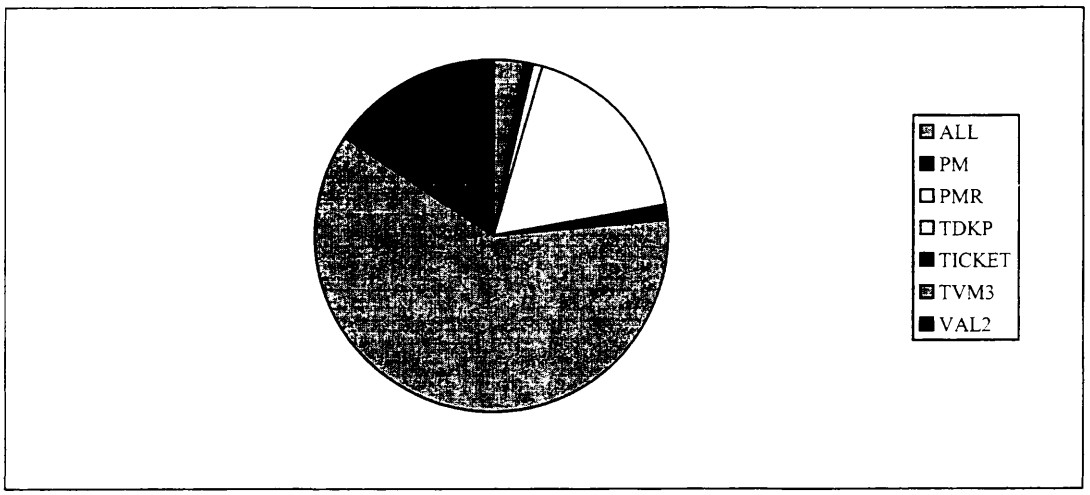
Summary Of Tram Faults By Equipment Type (January 1997)

Equip Type	No. Of Faults	% Of Total Faults
All Devices	3	1.3%
Depot Computer System — Tram	1	0.4%
Portable Memory	4	1.8%
Portable Memory Reader (Depot)	1	0.4%
Tram Drivers Key pad	68	30.1%
Met Card Ticket	1	0.4%
Ticket Vending Machine (Tram)	133	58.8%
Ticket Validator (Tram)	15	6.6%
Grand Total:	226	



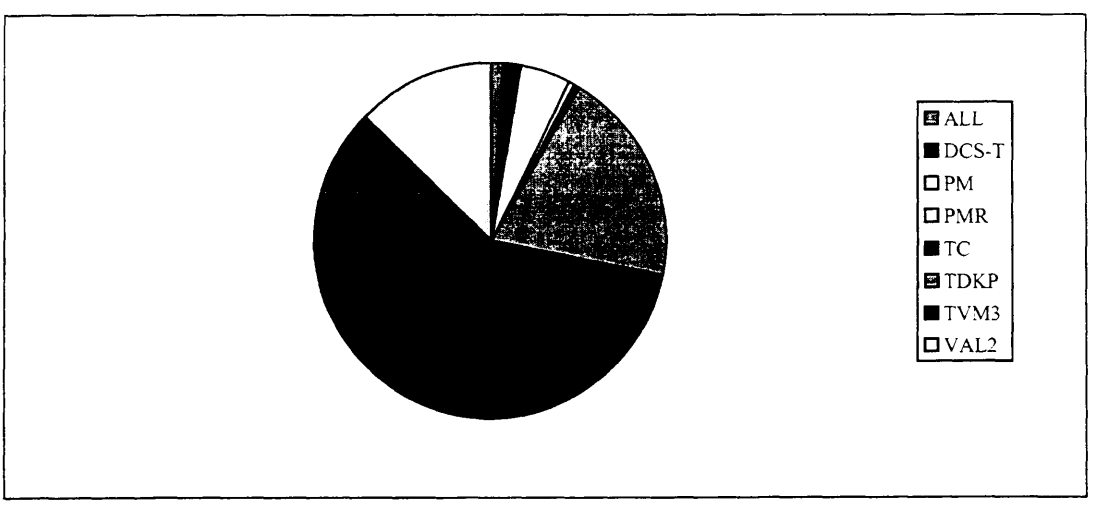
Summary Of Tram Faults By Equipment Type (December 1996)

Equip Type	No. Of Faults	% Of Total Faults
All Devices	6	2.7%
Portable Memory	2	0.9%
Portable Memory Reader (Depot)	2	0.9%
Tram Drivers Key pad	40	17.7%
Met Card Ticket	3	1.3%
Ticket Vending Machine (Tram)	138	61.1%
Ticket Validator (Tram)	35	15.5%
Grand Total:	226	



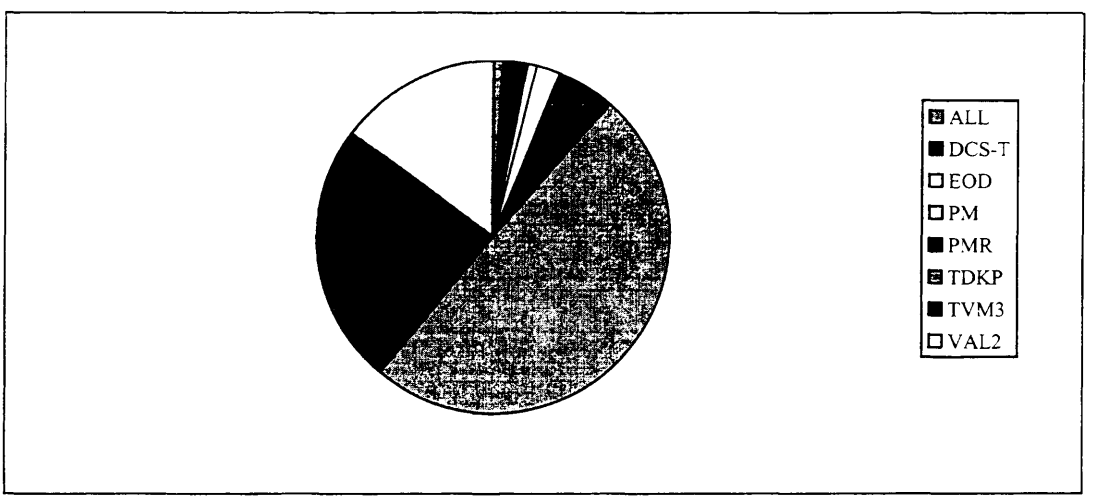
Summary Of Tram Faults By Equipment Type (November 1996)

Equip Type	No. Of Faults	% Of Total Faults
All Devices	2	1.1%
Depot Computer System — Tram	3	1.6%
Portable Memory	9	4.8%
Portable Memory Reader (Depot)	1	0.5%
Touchcard	1	0.5%
Tram Drivers Key pad	36	19.4%
Ticket Vending Machine (Tram)	110	59.1%
Ticket Validator (Tram)	24	12.9%
Grand Total:	186	



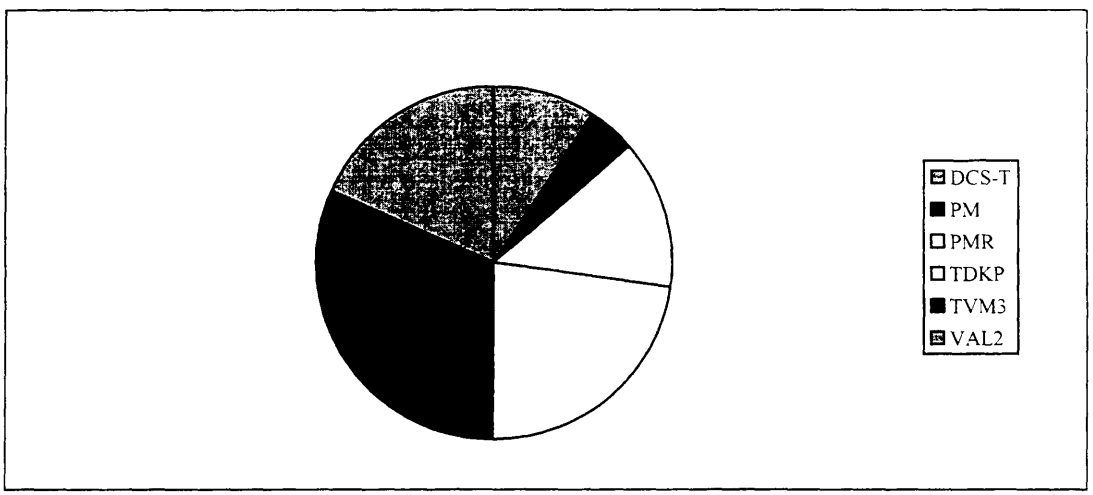
Summary Of Tram Faults By Equipment Type (October 1996)

Equip Type	No. Of Faults	% Of Total Faults
All Devices	1	0.8%
Depot Computer System — Tram	3	2.3%
Equip. Operating Data	1	0.8%
Portable Memory	3	2.3%
Portable Memory Reader (Depot)	7	5.3%
Tram Drivers Key pad	66	49.6%
Ticket Vending Machine (Tram)	32	24.1%
Ticket Validator (Tram)	20	15.0%
Grand Total:	133	



Summary Of Tram Faults By Equipment Type (September 1996)

Equip Type	No. Of Faults	% Of Total Faults
Depot Computer System — Tram	2	9.1%
Portable Memory	1	4.5%
Portable Memory Reader (Depot)	3	13.6%
Tram Drivers Key pad	5	22.7%
Ticket Vending Machine (Tram)	7	31.8%
Ticket Validator (Tram)	4	18.2%
Grand Total:	22	



Mr BATCHELOR — I formally note that these official documents from the Public Transport Corporation were released on 7 October. They contain recent monthly figures from September 1996 to June 1997 setting out the type of equipment faults that have occurred with the automatic ticketing system. The reported failures provide the background to the Premier's second ultimatum to Onelink in late July. The real question is: how many ultimatums will there need to be before something decisive is done?

I refer honourable members to the tables, all of which are illuminating. Particularly so is the table for June, which shows that on tram route No. 75, which goes to East Burwood, there was a total of 293 equipment faults. Some 71 per cent of those equipment faults occurred in the tram's ticket-vending machine. That is a staggering admission by the Public Transport Corporation. That is where members of the public interface with the system as they try to buy tickets on board the tram. Some 71 per cent of all the faults that occurred in that month relate to the ticket-selling functions. That must be a cause of great concern not only to all public transport administrators but also to prospective buyers of our public transport system under the government's privatisation proposals.

I ask honourable members to take a look at the tables both collectively and individually. They clearly indicate that the automatic ticketing project is still riddled with problems. There have been accusations and allegations of problems in reports all the way through the automatic ticketing system's troubled trial period right up to the most recent figures in the opposition's possession. There is clear, documented proof that a range of problems occurs regularly with equipment ranging from the ticket-vending machines, to the tram drivers' key pads and the depot computer system.

The machine faults are widespread, frequent and regular. They occur day in, day out, month after month. Not only does this pose problems for loss of revenue now, it provides a warning for any private company contemplating tendering to purchase any part of the Public Transport Corporation. It means that when the tender document goes out, instead of being marked 'Commercial in Confidence', it will have to have marked on each and every page 'Caveat Emptor'. If that is not done the government will render itself liable for huge damages claims from any company that purchased part of the public transport system and subsequently found that the ticketing system was not capable of the most basic and fundamental functions, a fact that is clearly evidenced by the figures I have incorporated in *Hansard*.

I understand that the sorts of problems the system is experiencing relate not only to the mechanical-type failures reported in the figures I have incorporated, but also to the numerous problems relating to the central computer, the clearing-house functions, the cash reconciliation figures and the ability of the computer to calculate patronage breakdowns and travel information.

All those functions are essential to calculate the appropriate division of the revenue stream between the competing claims of the providers of the service. It is not so much a difficulty now with the PTC because it is the single provider of tram and train services; but, it clearly will not be able to function properly under the government's proposed scheme to break up and sell off the public transport system.

Also of concern is the fact that — understanding the fundamental problems the automatic ticketing system imposes on its management of the Public Transport Corporation — the government is prepared to do away with the multimodal ticketing system. The Premier himself has already given clues and hints that this is the real solution. Instead of getting rid of the automatic ticketing system that cannot and will not work, the government will get rid of the user-friendly and very popular multimodal ticket system. I predict the government will say that the system we have, which can be operated and carried out manually, is too complicated for the computer; therefore, instead of changing the computer, it will get rid of the multimodal ticketing system and go to a system where customers will be required to purchase individual tickets for individual journeys, the cost of which will be calculated on the basis of the length of the journey rather than the time or the number of zones travelled through.

This is exactly the sort of ticketing system that will be very much in favour with any private owners who are looking at the system now. We need to ask the government to take decisive action. If it does not know what to do it should bring in somebody from outside so it can take decisive action. If it needs expert advice perhaps it could address some questions to none other than Madam Onelink, who is in its own ranks.

Mr Reynolds interjected.

Mr BATCHELOR — The minister at the table asks who Madam Onelink is. It is the honourable member for Prahran. The honourable member for Prahran acknowledges that she was on the evaluation committee that chose Onelink.

Ms Burke — On a point of order, Mr Acting Speaker, I was not on the evaluation committee.

The ACTING SPEAKER (Mr Richardson) — Order! There is no point of order. I point out to the honourable member for Prahran that a point of order is not an opportunity to make a personal explanation.

Mr BATCHELOR — Before entering Parliament the honourable member for Prahran was on the evaluation committee. She chaired the committee.

Mr Reynolds interjected.

Mr BATCHELOR — It is in Alan Brown's press release. I will show you later where it is. If the honourable member for Prahran is denying it she must be saying that the former Minister for Transport is a liar, because it is in his press release.

It is a badge of honour that the honourable member for Prahran has conspicuously chosen not to display. She is not afraid of making claims as to what she has done, and her involvement in choosing Onelink as a successful tenderer needs to be made public. She needs to tell the government what impressed her, why she thought they were the preferred tenderer, why she thought they could do the job and why she thought that in line with the tender specifications they could provide a proven and reliable system, because they have done none of those things. I refer to page 209 of the Auditor-General's report, which shows that the new deadline for the installation of the automatic ticketing has blown out again to June 1998.

The ACTING SPEAKER — Order! The honourable member's time has expired.

Native wildlife: endangered species

Mr TREASURE (Gippsland East) — The matter on which I wish to grieve today relates to endangered wildlife, and in particular marsupial species that have been native to Australia and to Victoria. Over the years, and particularly up until the 1960s, the looking after and tending to rare and endangered species was mainly in the hands of the private sector and until that time the keeping of native animals was relatively unrestricted. There were many backyard zoos and the like, all of which were well intentioned and some of which were successful.

During the 1970s there was a rapid move towards the nationalisation of the conservation industry and bureaucracy took over quickly. The speed and severity of the takeover probably caught the private industry somewhat by surprise. The result was that due to regulations and changes in those regulations by the end of the 1970s the industry was totally owned by the public sector. Yet between 1970 and 1990 Australia lost a large percentage of its native species — it lost species at a faster rate than ever before.

Approximately one-third of mammal extinctions over the past 500 years have been in Australia. Currently some 123 species have been identified as either endangered or extinct. Twenty years ago it was estimated that a quarter of all marsupials were either extinct or threatened, 10 years later that figure had risen to approximately one-third and today it is generally considered that about half of our marsupials are either extinct or greatly endangered.

Across Australia and Victoria a system of parks, wildernesses, reference areas, state parks, national parks, reserves and all sorts of sanctuaries have been established in an attempt to address the situation. Unfortunately it has not solved the problem and the depletion of our stocks of native wildlife continues to a large degree unabated. The creation of huge national parks in Victoria has mainly achieved the control of human movement in the areas concerned.

National parks have been very successful in controlling human movement but unfortunately human encroachment is not the problem. The problem lies more in the danger presented to native wildlife by predators such as introduced species and feral animals. Native animals are unaccustomed to and have little or no ability to protect themselves from such predators.

Australia's human population is centralised in the main in about 10 cities. In Victoria the vast majority of the population resides in or within an hour's drive of the city of Melbourne. That means there are vast areas of habitat available to native wildlife species. In theory native wildlife should thrive in the huge amounts of bushland which are relatively unpopulated and which see very little human activity.

East Gippsland is a huge area. It covers about 10 per cent of Victoria — my electorate comprises some 27 270 square kilometres — yet it is no different from the rest of Australia in that much of the native wildlife is greatly threatened by introduced animals. Most of the population of East Gippsland resides in about six towns, which are generally near the coast. The remainder of the area is largely bushland and native forest where feral cats and European foxes continue to decimate small mammal colonies.

Mammals that are causing great concern include the long-footed potoroo. The animal has been sighted on numerous occasions and it is known now that colonies exist in East Gippsland. The pygmy possum is well known in the alpine areas. A few years ago a tunnel was built under the main road near Mount Hotham so that the possums could travel safely from one side to the other. I distinctly recall a press release that talked about the love tunnel. It was assumed that all male possums lived on one side of the road and all female possums lived on the other, and it was necessary for the government and the bureaucracy to build and promote the tunnel so that the poor little possums could continue to cohabit to keep the species going.

The major problem was not whether they had a tunnel, whether there was human encroachment in the area or whether there was an alpine village in the region. The problem had more to do with the fact that introduced cats, in particular, and foxes were preying upon the unfortunate possum population and threatening its existence.

Another mammal that has been mentioned in recent times in my area is the smoky mouse. Up around Holmes Plain the small animal is considered to be endangered and the bureaucracy is now looking at various human activities that take place in that area with a view of restricting movement into that area to protect it. I do not know whether people might tread on the mouse, or what might happen, but I suggest it again has much more to do with the danger presented by other animals.

Leadbeater's possum was recently rediscovered in alpine ash forests after having been thought to be extinct. It is great to see that that little animal, which is a Victorian symbol, still exists. Once again, if we are to protect these species we need to look at the causes of their possible demise rather than just draw lines on maps.

I distinctly remember as a child that bandicoots were quite common around the area where I lived, and it was quite common to see them early in the morning, running through the long grass and scrubby areas. They are becoming rare, yet in the area I speak of around Dargo there is less human activity now than when bandicoots were more plentiful. Once again we can equate that loss of animal population to other factors.

The eastern quoll is another species that is at risk. They exist mainly in the gorges and rough country of the Snowy River valley, as do the rock wallabies. These species are considered to be endangered, and it is of concern to us all as Victorians that little has been done to preserve them other than the declaration of the area in which they live as a national park, which has achieved little.

The work of Dr John Wamsley in South Australia — he is the founder of the Earth Sanctuaries movement — is relevant. The first sanctuary for which he is responsible, which he called Warrawong, was set up in 1969. Dr Wamsley purchased 14 hectares of run-down farmland almost on the fringe of Adelaide. One of the first things he did was to erect a cat and fox-proof fence around the land and then, after ensuring that none of those animals existed inside the perimeter fence, he set about improving the habitat by planting some 100 000 native trees and bushes and doing remedial work on the ponds and creeks. The result is apparently very pleasant to see. Populations of certain animals have multiplied beyond all belief, and some species that were considered to be on the endangered list and beyond saving are now breeding in considerable numbers and living in that sanctuary — simply because the risks posed by foxes and cats have been removed from their habitat and the animals have been left alone.

Warrawong teaches an important lesson. I would like to see more of that type of sanctuary, and I would like to see Dr Wamsley and his projects being appreciated by a wider section of the community than at present. Many of the attempts made to date to protect wildlife have not taken the right approach; we can do a lot better.

Two years ago I had the pleasure of hosting Dr Wamsley to lunch at Parliament House, after which he spoke to a number of people in room K, explaining his work and his intentions. Since that time his Earth Sanctuaries movement has expanded to a number of other areas in Australia and sanctuaries are either in the process of being formed or are running successfully. They have become great attractions for both Australian tourists and visitors

from overseas. As their fame grows so does their success, because it is the tourist dollar that creates the capital to further develop the sanctuaries and to continue to develop new ones.

In a paper delivered to an international environment conference in Thailand recently Dr Wamsley said:

> Today, over half the world's endangered mammals are Australian. Yet they are so easy to save. All their problems are bureaucratic.

I shall leave my contribution to this debate at that point and express my hope that we see some development in the area of endangered species.

Intergraph: BEST contract

Mr HAERMEYER (Yan Yean) — I wish to grieve about the appalling rabble that is the Intergraph communication system and the risks and dangers it poses to public safety and people's homes and businesses because of its failure to deliver a satisfactory computer-aided dispatch system to our emergency services according to the standards specified in the contract.

Despite repeated assurances by the Minister for Police and Emergency Services, by the former Minister for Health, by the current Minister for Health, by the Treasurer and by the Premier, Intergraph continues to be a mega-million dollar liability and a disaster that places the lives of Victorians at enormous risk.

The Intergraph system is probably one of the greatest dangers confronting Victorians because our emergency services — police, ambulance, fire brigade and SES — are not able to respond as effectively as they otherwise might. Every incorrect address and location given to emergency service units on call-out increases response times. Failure to meet those response times has enormous impact upon the police, fire, ambulance and SES services. These are emergency services, and the very word 'emergency' makes it clear that response times are absolutely critical. Quite often the calls involve matters of life and death — people may be under some physical threat and require the presence of the police; someone's house may be burning down; or somebody may have had a heart attack. The responses of emergency services to these incidents must be as immediate as possible, yet we now have an emergency services communication system that leads to enormous increases in response times.

The government has cause for worry. It was first warned in 1993 and has been warned for the four years since then, not only by the opposition but by its own internal Consultel report commissioned by the Department of Finance. It was warned of the dangers of the path being followed by Mr Firman, the then Minister for Health and the then Minister for Police and Emergency Services.

It was only when the government became aware of the corruption and incompetence involving Intergraph identified by the Auditor-General earlier this year that it suddenly went into damage control mode. The Premier told Neil Mitchell:

> We've cracked heads together and fixed the problem.

He then went back to defending the system rather than doing something about fixing it. On 1 April the Premier said to the house:

> The system is running well after a long period of bedding down. All agencies involved now meet every fortnight with the minister. I receive copies of those reports, and I must say the system has now been tested at twice the inquiry level that was involved during the recent fires this year and it has proved up. So we are very happy with the way it is working today.

The Premier must be very easily pleased. On 2 April he said:

> As I indicated yesterday, and as the honourable member correctly relayed, the Intergraph system is now working among all emergency services exceptionally well.

Within the space of a day it has gone to 'exceptionally well'. Then we have the Treasurer saying on 2 April:

> Also, the question from the Leader of the Opposition assumes the computer-aided dispatch system currently in operation is not performing satisfactorily. Based on my advice, that is inaccurate.

The Treasurer said on 3 April:

> Today it is operating better than any call and dispatch system has operated before.

That is a big claim, Sir!

We must be sceptical about the government's comments on Intergraph. The government vigorously denied there was a problem. It said the

system was going well, that there was no problem and everything was on target. When it was caught out by the Auditor-General and things started to fall down around it, the government says, 'We will fix the problem even though we previously denied it existed'. How can we believe anything the government says?

For four years the government said Intergraph was working well. The reality is that within the last two weeks the Country Fire Authority, for the second year in a row, has refused to bring Intergraph on line. I commend CFA officers and volunteers for doing the right thing. We are approaching one of the most dangerous fire seasons since Ash Wednesday and the CFA has made the right decision because it does not want to put at risk the lives and property of the community and its officers. For the second year in a row Intergraph has failed to measure up to the performance standards expected by the CFA. How many rolls of the dice do you get before someone says, 'Out, you are not up to it, get lost.'? It is about time the government put the interests of the public ahead of the interests of corrupt and incompetent companies such as Intergraph.

I will refer to some of the problems confronting emergency service workers. The *Knox News* of 14 October has a report entitled 'Alarm at fire delay'. The report states in part:

> Faults recorded at Boronia station following 000 calls, included:
>
> A call on October 1 to a Wantirna address not received.

If your house is on fire and you thought the fire brigade was on its way but the call was not received you would have a serious problem! The report continues:

> Grassfire at Wantirna on September 30. Call received 40 minutes too late.

If the response time is 40 minutes, under certain climatic conditions, a grassfire may race up through the Dandenongs destroying many thousands of houses before the brigade arrives. That is not what we should expect from Intergraph. The report states:

> Fire alarm call at Knox Private Hospital on same day. Station alarm failed to activate (meaning doors did not open)
>
> Call to Forest Road, Boronia on October 2 of 'possible persons trapped'. Station alarm again failed to activate. No Melway reference given; and
>
> A fire alarm call to Knox City Shopping Centre the same day. Staff pagers, printer and doors failed to activate. Bayswater Fire Brigade incorrectly sent with Boronia and Ferntree Gully, instead of Scoresby ...
>
> One CFA worker, who wished to remain anonymous for fear of losing his job, said the system was slow and labour-intensive. The worker said all staff were nervous about the system, particularly with the upcoming fire season.
>
> Another worker said the Intergraph system placed the public in danger.
>
> He said, so far, it had not managed to operate for more than 2 hours without fault.

That is an appalling indictment of the system by the people who have to operate it. Senior people in the CFA said the system has gone missing — in other words, large slabs of streets listed in the *Melway* are missing from the Intergraph geographical coordinating system. Apparently the *Melway* was scanned, but the creases in the middle of the pages were not covered and many streets did not get into that supposedly high-tech system. A system involving life and death matters must be 100 per cent accurate. When a CFA officer says there is no *Melway* reference it is because many streets are not logged into the system.

I am also informed that, contrary to the claims of the government, Intergraph is achieving only 43 per cent of its performance requirements. On 30 April the Premier was reported in *Hansard* as having said:

> This morning I met with the heads of the emergency services and the head of BEST and Intergraph as part of their regular two-weekly meetings with the Minister for Police and Emergency Services. I believe we are delivering a very good service. It is above the 90 per cent average that we seek.

On 13 May the Minister for Police and Emergency Services was reported in *Hansard* as having said:

> While I have the opportunity I point out that over the past four or five months the 000 call-taking system has been working well above benchmark expectations.

Is 43 per cent performance the benchmark expectation of the CFA or the MFB? It is a long way

from the 90 per cent referred to by the Premier. The Premier says Intergraph has met 90 per cent of its required expectations, yet the CFA says it has not met its requirements. The Minister for Police and Emergency Services also says Intergraph has met 90 per cent of the criteria set for it, yet the CFA says it has not.

The annual report of the Metropolitan Fire Brigades Board for 1996-97 was tabled in the house yesterday. It states at page 14:

> To date the board has not commissioned the new computer-aided dispatch system as Intergraph has not met the standards required under the contract to allow commissioning to take place.

The Premier and the Minister for Police and Emergency Services both say the performance standards set by the government have been met. It is clear that the Premier and the minister have mislead the house. I know the government is trying to intimidate emergency service workers to prevent their commenting on Intergraph and, while that has been successful to some extent, it is not preventing emergency service organisations from carrying out their responsibilities. By refusing to bring Intergraph on line, the CFA and the MFB are saying the system is not functioning. They have made it clear the system is not working no matter how much the government intimidates the service chiefs or bullies people working for those organisations and suppresses their freedom to speak out.

The Intergraph contract was arrived at corruptly and it is now necessary for the government to immediately take over the operation of the contract until such time as we can find out what the problems are. I urge the government to listen to emergency service workers for a change instead of trying to protect the political hides of its ministers. Let us for once do something about protecting the public and putting the interests of the public ahead of the political interests of the government. We are talking about life and death issues. Through a police inquiry we have to find out not just whether crimes have been committed but whether the Intergraph contract involved ministers of the Crown. We have to find out whether the incompetence surrounding the Intergraph fiasco resulted in loss of life and property.

The Intergraph system has been an absolute failure. Police, ambulance officers, fire officers and SES workers continue to tell me that the system is just not functioning, yet the government continues to come in here and maintain that all is working well. The report of the MFB and the CFA's decision not to go on-line with Intergraph make a lie of the assertions by the government.

Public transport: ALP

Ms BURKE (Prahran) — My grievance relates to misleading information given by the opposition to the broader community. I will start with the accusations made by the honourable shadow Minister for Transport, Peter Batchelor — sometimes I have to question the 'honourable' — after a press release was issued in September 1993 which said that I was on an evaluation committee for Onelink. I have heard many debates in the English Parliament which made me realise it is terribly important to ensure that the community gets the true picture of a situation, rather than what the opposition would like them to see.

One of the most interesting things about a press release is that when the press get it they ask questions and look into it more deeply, because of course every piece of information cannot be provided in a press release. The press release issued in September 1993 by the then Minister for Transport, the Honourable Alan Brown, says:

> Consultation is also a very important part of our strategy. To date, consultation has occurred with the Accessible Transport Consultative Council and customers with disabilities, the Public Transport Forum, the Bus Proprietors Association and unions. Leonie Burke, chairperson of the Public Transport Forum, was also a member of the external review committee.

Anyone who knew anything about the review of the new ticketing system in Victoria at the time knew that the evaluation committee was established to undertake community consultation about the appropriate type of machine, considering the system we had and the most appropriate system for the future. The task of the committee was to ensure that the tender document took account of what was important to the community users, particularly people with disabilities, who had always been treated with little respect. We saw that with the fiasco of the Labor government trying to bring ticketing machines. That proposal was thrown out by the courts because of a demonstrated lack of understanding of the needs of people with disabilities.

If people are going to take part in debate in this house it is important that they debate the real issues. I was proud to be on the evaluation committee that determined what the community thought was important, but at no time did I have anything to do with the tender process or see any figures. In many instances I did not even know which companies were tendering. The allegations of the shadow Minister for Transport were an outrageous and improper attack on a member who would never do the same thing to the other side, if it were not true. Like any true debater, I would look at my facts before I criticised anyone. The shadow Minister for Transport should get his facts correct.

Mr Leigh — You would not do that.

Ms BURKE — I would not do a lot of things the shadow minister does. If we are to improve the conditions and lifestyles of people we must improve their accessibility to transport. It is important that we work together. The tendering process then and now is very much in the hands of the minister and I am sure he is dealing with it in the proper way.

My grievance is the problem of not caring what the community wants but instead using any single possible angle to destroy the credibility of someone who actually cares about what happens to people. When the automatic ticketing system is introduced, I am sure we will be proud of the accessibility to public transport that it will provide to the community.

The multimodal transport system in Victoria is a wonderful asset to our community but it causes difficulties when trying to introduce new technology and systems. Very few countries boast the multimodal transport system that we have of buses, trains and trams. Nor do they have the level of accessibility to all three systems of multimodal transport, particularly in the inner city, which is where most of the population of Melbourne, and therefore a large proportion of transport users, lives.

I grieve also about how often I hear misuse of information from the other side. A good debate or argument is most important, but it is vital to be properly informed and not to mislead our community. If we are going to work for the good of the community and for the good of Victoria, which in turn ends up being for the good of Australia, we need to all give the correct information and argue a case when it is appropriate to be argued.

If opposition members see areas where they think the government is failing, I am quite happy to hear about them, but I want to hear the truth; I do not want to hear misleading information. Opposition members should not say, 'This looks like a good idea; let's have a go at them on this. This looks like a chink in their armour — even though they're doing a good job, let's blow this up a bit more and make this a bigger issue than it really is'.

The new automatic ticketing system will provide us with a transport system of world significance. As a Victorian and an Australian I am delighted that an Australian company, not an overseas company, got the contract. It is a shame that the shadow Minister for Transport is not using his energy to help that company.

Mr Leigh — He is not here.

Ms BURKE — He is not here to answer the allegation or to help the Australian company get up and moving. All he does is criticise.

Mr Haermeyer — Where is the Minister for Transport?

Ms BURKE — The Minister for Transport is out there running transport, not pulling it down or giving misleading information. He is making the system as economical as possible and ensuring that it is a clean, efficient system.

Remember the days when we had graffiti all over the trams and the trains? Remember when you had to wait half an hour for a tram or a train? Not any more. I am not grieving about that. In fact, none of my constituents when they stand at the tram stop have to grieve about having to wait ten minutes for a tram. No wonder the shadow Minister for Transport grieves — he has a lot to grieve about, because he could not produce a system like this when Labor was in power!

As I said, debate in this house is extremely important; it is important to our community and to the democratic process. If we are to conduct a debate, let's have true debate, not using misleading information, making up accusations taken from a line in a press release, or thinking, 'How can we blow this up?'.

If we are going to grieve, let's grieve for those in true need, for youth who contemplate or commit suicide, the elderly, the growing population, the fact that by the year 2010 one in four people will be aged over

65. Let's grieve about how we are going to produce goods and about the people who are unemployed and desperate to get employment. Let's grieve about all those people who misunderstand what is happening in Workcover and are causing a hassle in front of the building. We should not misinform people. I grieve that opposition members give people false information. They do not speak the truth, and do not even give us good opposition to work with. All they do is grieve, trying to get one point up on someone else.

I give a particular message to the honourable shadow Minister for Transport, who is trying to keep up with the superb job that is being done by the Minister for Transport. As I wait for 10 minutes on the train stop I see the Sprinter trains going past on their way to Bendigo or Traralgon. If I were the honourable member for Thomastown, I would be grieving, too, when I see the superb job the Minister for Transport does. Let's not grieve for the community about misinformation. Let's work together for the good of our community.

Question agreed to.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Workcover: common-law access

Mr BRUMBY (Leader of the Opposition) — Mr Speaker — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition, without assistance from the government benches.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc knows that he does not address people by their Christian name across the chamber, and he will cease interjecting.

Mr BRUMBY — My question without notice is to the Premier — —

Honourable members interjecting.

The SPEAKER — Order! If the Deputy Premier wishes to conduct an auction he can do so up in his own electorate.

Mr BRUMBY — My question without notice is to the Premier. I refer the Premier — he may think it is funny — to the tragic case — —

Honourable members interjecting.

Mr BRUMBY — You might think it is funny, too.

The SPEAKER — Order! I warned the honourable member for Mordialloc twice yesterday and this is the second time today — he is on his last warning.

Mr BRUMBY — We will try again. With the Premier renowned for his sense of great compassion and caring, I refer him to the tragic case of Steve Stewart who lost a leg in an industrial accident and spoke of his pain and suffering at today's Workcover protest, which was attended by about 60 000 Victorians.

Honourable members interjecting.

The SPEAKER — Order! The government benches will come to order. That includes the honourable member for Ripon.

Mr BRUMBY — I hope the television picks this up. Here is a worker who lost a leg and spoke of his pain and suffering today at the rally, and what do you care? You just laugh. You are a sick man, Premier!

The SPEAKER — Order! Perhaps we can start question time again, with some decorum from both sides, particularly the government benches. The Leader of the Opposition will repeat his question.

Mr BRUMBY — We will start again so the Premier can understand the facts. I refer to the tragic case of Steve Stewart who lost his leg in an industrial accident, and at today's Workcover protest spoke at length of his pain and suffering. I refer also to the equally tragic case of his brother, William, who was severely burnt in an industrial accident. I ask the Premier: is it not a fact that, under the proposed WorkCover changes that he has announced, the benefit for a worker like Steve will be almost halved from $131 000 to $70 000 and that a severely burned worker without common-law rights will get absolutely no compensation whatsoever for pain and suffering despite the fact that he has severe

burns over most of his body? You still think it is funny! Do you think it is funny to be burned all over your body, or to lose a leg?

Honourable members interjecting.

The SPEAKER — Order! I will call the Premier when the house comes to order.

Mr KENNETT (Premier) — I can only say that the Leader of the Opposition has again displayed how much he has lost the plot, not only on leading the Labor Party — most of his own members he is now opposed to and working to unseat at the next election — but also on the issues that are confronting this state. I explained yesterday to the Leader of the Opposition that recently I received a call from the Trades Hall Council. I met with them and, as a result of the matters that they raised, we put forward to them a range of offers which would have substantially improved the opportunities — —

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition has used an unparliamentary expression and I ask him to withdraw it.

Mr Brumby — What I said was, 'That's a lie'.

The SPEAKER — Order! I ask the Leader of the Opposition to retract that. That is unparliamentary language.

Honourable members interjecting.

The SPEAKER — Order! Simply withdraw and let us get on with it.

Mr Brumby — With respect, Mr Speaker, as I understand the rulings of the Chair, if I said the Premier was lying or that he had lied, I would be required to withdraw. I made the broad statement, 'That's a lie'.

The SPEAKER — Order! The remark was clearly made to the Premier. It was an unparliamentary expression. I ask members to have some regard to the dignity — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Sunshine will remain silent. I ask the Leader of the Opposition to just withdraw it.

Mr Baker — The Premier never objected.

The SPEAKER — Order! If the honourable member wants to object and raise a point of order, he may do so, but he should not just interject from his place.

Mr Brumby — If I withdraw the comment, it will set in place a whole new set of rules that have not been in place before. I have not made an imputation against the Premier. I said, 'That's a lie'.

The SPEAKER — Order! It is up to the Chair to determine what is unparliamentary language. I believe that to be so in this case, and I ask the Leader of the Opposition to withdraw.

Mr Brumby — I have to say, against the judgment of my colleagues, that I shall defer to the Chair. But I believe the judgment you have made is unfortunate and sets an inappropriate precedent in Parliament.

Mr KENNETT — As I was saying to the Leader of the Opposition, at their request members of the Trades Hall Council put to me a number of propositions that were of concern to them. Together with my colleague the Minister for Finance, who has responsibility for Workcover, I went away and came back with a range of proposals that would have substantially benefited both those who are currently injured — —

Mr Brumby — On a point of order, Mr Speaker, the Premier is doing as he did yesterday, clearly debating the question. I ask you to direct him back to the question. I shall not repeat it, but to paraphrase it, the question was whether the benefit will be almost halved for an injured worker in that circumstance from $131 000 to $70 000. Tell the truth!

The SPEAKER — Order! The Leader of the Opposition does not like the Premier straying from the original question. He has asked so many other questions by interjection that I suggest to opposition members that if they do not wish the Premier's answer to be broadened — I know the Premier should ignore interjections — they do not simply broaden that answer by asking further questions by interjection.

Mr KENNETT — I now arrive at the point of the question of benefits, which I was asked about. In the offer I made to the trade union movement, firstly, I removed the retrospectivity clause entirely. That meant that those who are currently on average

weekly earnings would continue to receive the same amount for the rest of their lives as they required. Secondly, I made an offer that those who are more seriously injured under the government's two-pronged scale would actually receive an increase in their average weekly benefits from 75 per cent to 80 per cent.

Mr Brumby — On a point of order, Mr Speaker, the Premier is again flagrantly breaching your ruling. I ask you to bring him back to the question, which was about Steve Stewart and his brother, William, and their entitlements to benefits under the Workcover system. The Premier is just wildly debating the question in general. The opposition wants a specific answer: will Steve and his brother, William, receive only half the benefits they were entitled to?

The SPEAKER — Order! There is no point of order. As the Leader of the Opposition knows, so long as the Premier's answer is relevant to the question, which in this case relates to benefits under Workcover, a member may not and cannot demand any other answer from him.

Mr KENNETT — I thought the offer to the trade union movement was exceptionally generous. It did not put back into place what the union representatives sought, which was access to common law, but it is true to say that South Australia does not have common law, the ACT does not have it, and the federal Labor government withdrew access to common law.

Mr Thwaites — On a point of order, Mr Speaker, according to the standing orders the Premier is debating the question in now referring to the federal Labor Party. He should return to the question. If you are not prepared to answer that question: how much did you get from Kerry Packer three times?

The SPEAKER — Order! There is no point of order and the honourable member should know it.

Mr KENNETT — Having made that generous offer, which I did not in any way make conditional on today's strike being called off, the Trades Hall Council came back to me yesterday saying it rejected the offer. It rejected the entire package the government put forward. One of the aspects of that offer was to do with retrospectivity. Even though Mr Hubbard rejected the whole lot, which would have provided extra benefits for injured workers, the government is leaving in the clause that deals with retrospectivity because I do not believe that is of value.

Mr Brumby — On a further point of order, Mr Speaker, question time has now been proceeding for 12 minutes. We are still on the first question, and still the Premier is debating the question and will not answer the specific question about Steve Stewart and his brother, William. It has been 12 minutes — try to answer the question!

The SPEAKER — Order! The conduct of question time is in the hands of honourable members. Honourable members have now raised four points of order, made numerous interjections and asked many supplementary questions by interjection. The Premier has not been debating the question.

Mr Brumby interjected.

The SPEAKER — Order! I suggest to opposition members that if they wish to continue with question time and get some answers they should remain silent.

Mr KENNETT — The Trades Hall Council rejected the offer but the government is leaving in place the provision that deals with retrospectivity.

Now I come to the question raised by the Leader of the Opposition. I did not hear the comments made by the two individuals who spoke today to whom the Leader of the Opposition referred — Steve and his brother. I assume that Steve and his brother have already been injured and are currently in receipt of benefits. Under our system Steve and his brother will not lose one dollar.

Honourable members interjecting.

The SPEAKER — Order!

Mr KENNETT — I was asked whether they would receive lower entitlements. Steve and his brother will continue to receive the same benefits and, importantly — —

Honourable members interjecting.

The SPEAKER — Order! As I said to the house before, question time is important, particularly for the opposition. Today's question time must also be very important to it. If opposition members wish to ask questions and they continue to disturb the proceedings, I shall do what I have done before — leave the chair — and question time will not

continue. I ask the Leader of the Opposition and his members to behave in the way they should to enable them to ask the questions they wish to ask.

Mr KENNETT — Let me just complete the reply by saying that under the government's proposal there was a risk that Steve and his brother may have received less.

Mr Brumby — On a further point of order, Mr Speaker, I ask you again, for the fifth time I believe, to require the Premier to answer the question. The question related specifically to the circumstances of a worker like Steve and a severely burned worker and was whether their benefits would be halved. That was the question that this blithering idiot doesn't want to answer! And you want to take away half their benefits. You can pick up $400 000 from Kerry Packer and give them absolutely nothing! You are appalling!

The SPEAKER — Order! If the Leader of the Opposition continues to behave in that way, the Chair will have no option but to deal with him.

Mr KENNETT — The only reason Steve and his brother will now receive the same benefit is because, in the representations of the Trades Hall Council, one of the points raised concerned retrospectivity. We thought that was a valid issue, and we will honour that, regardless of the trade unions' rejection of the rest of our offer. Steve and his brother are protected by this government. They are let down by the Leader of the Opposition and the ALP. Is it any wonder that today, 18 months into this government, the opposition is 8 points down on where it was after the last election?

Mr Brumby interjected.

The SPEAKER — Order! I will not warn the Leader of the Opposition again. If he interjects across the table, I will name him forthwith.

Mr KENNETT — In conclusion, this is a very important issue on which we were prepared to work with the trade union movement. It rejected our offer. It never ever went to the work force. The workers of this state have been savagely let down by the trades hall leadership. They have been let down by the ALP, which has no policy whatsoever.

ABSENCE OF MINISTER

The SPEAKER — Order! I should have advised the house at the beginning of question time that the Minister for Tertiary Education and Training will be not available today, tomorrow or on 11 November. The Leader of the House will answer his questions.

Youth: employment initiatives

Mr JENKINS (Ballarat West) — Will the Premier inform the house about plans to expand the youth employment initiative to ensure that as many young people in Victoria as possible have the opportunity to participate in the program?

Mr KENNETT (Premier) — Today, while the trade union movement was withdrawing its labour, supported by the Leader of the Opposition, while 12 500 gathered on the steps of Parliament House and while members of the Labor Party were out there as one behind their leader, the government was announcing the advancement of its youth employment initiative, a scheme trialled earlier this year with a number of young people who were, in the main, long-term unemployed. As the house may be aware, following an advertisement — to which 700 people replied — 67 positions were offered. All applicants will receive nine weeks training followed by 12 months work in the workplaces of major employers. During that period, the individuals will have to work four days with their employers and on the fifth day they have a full day of off-site training.

The scheme has been such a success to date that the government has launched it on a much wider scale by appealing to Victorian industries, large and small, to assist in its advancement not only in the metropolitan area but in regional Victoria as well. Already 292 young Victorians between the ages of 16 and 20 have been placed in real jobs. I would particularly like to thank the representatives of those companies who were the first to assist the government with its business round table, conducted in association with my colleague in another house, the Minister for Industry, Science and Technology, and the Minister for Education. Together we developed a program, the like of which I do not think will be found anywhere in Australia. The scheme puts together training and reasonably long-term employment to give young people the opportunity for full-time employment.

I am happy to inform honourable members that there has been a great difference for these young people. When they joined the scheme many of them had been unemployed for months or years. They had very little hope, morale or confidence. But, after the nine weeks training, they are entirely different young people. Those who are today working with

their employers in the work force are not only confident about their own futures, but their employers are saying they are making very good employees.

This wonderful scheme is not akin to those of the 1960s and 1970s, the Red and Blue and Green schemes, which tended to take young people off unemployment lists, have them do community work for a short time and then throw them back. This is a genuine attempt to mix training and the workplace.

Mr Bracks interjected.

Mr KENNETT — The member for Williamstown interjects.

The SPEAKER — Order! I ask the Premier to ignore interjections.

Mr KENNETT — After 18 months of this coalition government the opposition still does not have one policy that in any way relates to community interest.

Mr Pandazopoulos interjected.

Mr KENNETT — Pardon?

The SPEAKER — Order! I ask the Premier to ignore interjections. The answering of interjections simply adds to the chaos of question time.

Mr KENNETT — That is absolutely correct. There is no doubting the truth, though, that empty vessels make the most noise. The honourable member for Dandenong himself had a great deal of difficulty retaining his seat. He is being thwarted by his own leadership, which is of great concern to us. It may be that the honourable member for Dandenong will very shortly be participating in this scheme. If he were to become unemployed, he could apply like anyone else. The scheme will give him nine weeks training; it would be the first he has ever had in his life.

The SPEAKER — Order! The Premier is now debating the question. His answer is not relevant to the question. I ask him to come back to the very specific question of the honourable member for Ballarat West.

Mr KENNETT — The government's aim with the youth initiative program is to train hundreds of young people over the next few years.

Mr Bracks — How many?

Mr KENNETT — If it were only one it would be an improvement.

Opposition members interjecting.

Mr KENNETT — It is typical of the Australian Labor Party. Every young person we can take off the unemployment list has to be a substantial improvement for that individual and for the community. We have already trained 236. The program is conducted on a trial basis. With the assistance of the private sector, the government hopes to train hundreds of young people and give them the sort of opportunity the ALP can only mock.

It is a pity members of the Labor Party ridicule this very good scheme, which provides opportunities for those young people who are less fortunate, but the community has come to expect nothing more from the opposition, and that is reflected in every opinion poll currently circulating in the community.

Workcover: common-law access

Mr BRUMBY (Leader of the Opposition) — I refer the Premier to his previous 15-minute non-answer to my question. Is it appropriate for Steve Stewart, who lost a leg in an industrial accident, and his brother, William, who was burnt in an industrial accident, to take common-law action and be compensated for pain and suffering? Why should workers such as those brothers who might be injured in the future not receive any compensation whatsoever for pain and suffering, have their common-law rights denied and have their entitlement to lump sum benefits halved?

Mr KENNETT (Premier) — Let me try to segment this question. Firstly, in terms of the two individuals that the honourable member is referring to, I do not know when they had their accidents. Obviously we would all regret anyone having an accident. I do not know whether they have applied for common-law settlements or whether they have not. If they have not applied for common-law settlements their rights are protected under the proposed legislation because they have already had their accidents.

The Leader of the Opposition is absolutely wrong, yet again. Depending on the way these two so-called accidents may happen in the future, the beauty of our system is that the two individuals will receive statutory benefits, they will get them more quickly

and, more importantly, they will then be looked after with a level of decency that currently does not exist.

Mr Brumby interjected.

Questions interrupted.

NAMING AND SUSPENSION OF MEMBERS

The SPEAKER — Order! I thought I made it clear that if the Leader of the Opposition interjected again I would name him. I name Mr Brumby, the honourable member for Broadmeadows. I ask the Leader of the House to move the motion.

Mr GUDE (Minister for Education) — I move:

That the honourable member for Broadmeadows, Mr Brumby, be suspended from the service of the house.

Bells rung.

Mr Brumby interjected.

The SPEAKER — Order! I ask the Leader of the Opposition to behave himself.

Mr Brumby interjected.

The SPEAKER — Order! If the Leader of the Opposition — —

Mr Brumby interjected.

The SPEAKER — Order! If the Leader of the Opposition — —

Mr Brumby interjected.

The SPEAKER — Order! The Leader of the Opposition will sit down!

Mr Brumby interjected.

The SPEAKER — Order! Because of the gross disorder of the Leader of the Opposition, when this motion has been voted on, I will ask the Leader of the House to move a motion to suspend the Leader of the Opposition for one week.

Mr Baker — You're the worst Speaker we have ever seen — everybody out!

Opposition members withdrew.

The SPEAKER — Order! I also ask the Leader of the House to move a motion suspending the honourable member for Sunshine for one week for his gross insubordination, disobedience and disregard of the Chair.

I appoint as tellers for the Ayes the honourable members for Frankston East, Prahran and Shepparton and the honourable members for Niddrie and Thomastown for the Noes.

Ms Davies (*Speaking covered*) — On a point of order, Mr Speaker, are we now voting for the one-day suspension?

The SPEAKER — Order! That is correct. The motion before the Chair is that the Leader of the Opposition be suspended from the service of the house. The Leader of the House will then move a further motion for a further suspension. The first motion deals with the suspension from the service of the house.

Will the manager of opposition business advise the Chair whether he and the honourable member for Niddrie will act as tellers, as requested?

Mr Batchelor — No.

The SPEAKER — Order! I ask the tellers for the Ayes to record the fact that there are two votes for the Noes.

House divided on motion:

Ayes, 56

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms (*Teller*)	Maughan, Mr
Clark, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Davies, Ms	Perrin, Mr
Dean, Dr	Perton, Mr
Dixon, Mr	Pescott, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A.F.
Finn, Mr	Reynolds, Mr
Gude, Mr	Richardson, Mr
Henderson, Mrs	Rowe, Mr
Jasper, Mr	Ryan, Mr
Jenkins, Mr	Savage, Mr
John, Mr	Shardey, Mrs
Kennett, Mr	Smith, Mr E.R.

Kilgour, Mr (*Teller*)	Smith, Mr I.W.
Lean, Mr	Spry, Mr
Leigh, Mr	Steggall, Mr
Lupton, Mr	Stockdale, Mr
McArthur, Mr	Tehan, Mrs
McCall, Ms	Thompson, Mr
McGill, Mrs	Traynor, Mr
McGrath, Mr J.F.	Treasure, Mr
McGrath, Mr W.D.	Wade, Mrs
McLellan, Mr (*Teller*)	Wells, Mr

Noes, 2

Batchelor, Mr	Hulls, Mr

Motion agreed to.

The SPEAKER — Order! I now ask the Leader of the House to move a motion to suspend the Leader of the Opposition from the service of the house for one sitting week.

Mr GUDE (Minister for Education) — I further move:

That the honourable member for Broadmeadows, Mr Brumby, be suspended from the service of the house for one week.

The SPEAKER — Order! One sitting week.

Mr GUDE (Minister for Education) — I move:

That the honourable member for Broadmeadows, Mr Brumby, be suspended from the service of the house for one sitting week.

House divided on motion:

Ayes, 54

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms (*Teller*)	Maughan, Mr
Clark, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perrin, Mr
Dixon, Mr	Perton, Mr
Doyle, Mr	Pescott, Mr
Elder, Mr	Peulich, Mrs
Elliott, Mrs	Phillips, Mr
Finn, Mr	Plowman, Mr A.F.
Gude, Mr	Reynolds, Mr
Henderson, Mrs	Richardson, Mr
Jasper, Mr	Rowe, Mr
Jenkins, Mr	Ryan, Mr
John, Mr	Shardey, Mrs
Kennett, Mr	Smith, Mr E.R. (*Teller*)
Kilgour, Mr (*Teller*)	Smith, Mr I.W.
Lean, Mr	Spry, Mr
Leigh, Mr	Steggall, Mr
Lupton, Mr	Stockdale, Mr
McArthur, Mr	Tehan, Mrs
McCall, Ms	Thompson, Mr
McGill, Mrs	Traynor, Mr
McGrath, Mr J.F.	Treasure, Mr
McGrath, Mr W.D.	Wade, Mrs
McLellan, Mr	Wells, Mr

Noes, 4

Batchelor, Mr	Hulls, Mr
Davies, Ms (*Teller*)	Savage, Mr (*Teller*)

Motion agreed to.

Mr GUDE (Minister for Education) — I move:

That the honourable member for Sunshine, Mr Baker, be suspended from the service of the house for one sitting week.

The SPEAKER — Order! Before calling for tellers, I ask whether the honourable members for Thomastown and Niddrie will act as tellers.

Mr Batchelor — No.

Mr Hulls — No.

The SPEAKER — Order! I therefore appoint as tellers for the Ayes the honourable members for Glen Waverley, Shepparton and Prahran. I order the tellers to record the fact that there are two votes for the Noes.

House divided on motion:

Ayes, 56

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms (*Teller*)	Maughan, Mr
Clark, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Davies, Ms	Perrin, Mr
Dean, Dr	Perton, Mr
Dixon, Mr	Pescott, Mr
Doyle, Mr	Peulich, Mrs
Elder, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr. A.F.
Finn, Mr	Reynolds, Mr
Gude, Mr	Richardson, Mr
Henderson, Mrs	Rowe, Mr
Jasper, Mr	Ryan, Mr
Jenkins, Mr	Savage, Mr

John, Mr	Shardey, Mrs
Kennett, Mr	Smith, Mr E.R. (*Teller*)
Kilgour, Mr (*Teller*)	Smith, I.W.
Lean, Mr	Spry, Mr
Leigh, Mr	Steggall, Mr
Lupton, Mr	Stockdale, Mr
McArthur, Mr	Tehan, Mrs
McCall, Ms	Thompson, Mr
McGill, Mrs	Traynor, Mr
McGrath, Mr J.F.	Treasure, Mr
McGrath, Mr W.D.	Wade, Mrs
McLellan, Mr	Wells, Mr

Noes, 2

Batchelor, Mr	Hulls, Mr

Motion agreed to.

The SPEAKER — Order! As the Leader of the Opposition and the honourable member for Sunshine are not in the chamber, I ask the Serjeant-at-Arms to formally advise them of their suspension.

Mr Batchelor — On a point of order, Mr Speaker, I raise with you a serious matter. The house has seen unprecedented intervention by the Chair in determining the order of the proceedings. This is a serious matter and, as I say, it is unprecedented. It calls into question the impartiality of the Chair. I seek your guidance as to the precedents for the Chair's changing words the Leader of the Government used in moving his motion. What precedent is there for the Speaker or Presiding Officer changing words in a motion to make its terms more onerous?

The SPEAKER — Order! There is no precedent in my memory for such gross disorder in the house as occurred today and such gross insubordination by the Leader of the Opposition. He was warned constantly of his fate if he persisted with his actions and continued to behave in that way. The honourable member for Sunshine behaved likewise. I believe their suspension should be for a sitting week and that is what they received. The time for raising questions without notice has expired.

AUDIT (AMENDMENT) BILL

Introduction and first reading

Mr KENNETT (Premier) — I move:

That I have leave to bring in a bill to amend the Audit Act 1994 and certain other acts and for other purposes.

Mr HULLS (Niddrie) — I ask the Premier to briefly explain the purpose of the bill, particularly the plans to privatise Audit Victoria.

Mr KENNETT (Premier) (*By leave*) — Detailed comments about the bill were made yesterday and were reported on in the papers today; so they are on the public record. The bill will review the administration of the Audit Act while retaining the Auditor-General in an enhanced position as an officer of Parliament. The bill contains clauses similar to a bill debated and passed in the federal Parliament only last week. That bill was supported by all parties: the Labor Party, the Democrats and obviously the government parties. In terms of the issue mentioned by the honourable member for — —

Mr Dollis — On a point of order, Mr Speaker, it is about time the Premier showed some respect for honourable members' titles. We have spent considerable time talking about the respect honourable members should have for this place. Mr Speaker, you yourself referred to the issue. If the Premier is not prepared to respect the forms of the house, it is a bit rich to ask opposition members to respect the forms of the house.

The SPEAKER — Order! Will the honourable member inform me in what way the Premier is not respecting the forms of the house.

Mr Dollis — The Premier always belittles opposition members by failing to remember their titles and by saying, 'What's-his-name' and so on. If the Premier adopts that behaviour it is a bit rich to ask opposition members to respect anything the government does.

The SPEAKER — Order! We are not having a happy day. I ask all members to temper their language and follow the forms accepted in this place.

Mr KENNETT — I answered the issues raised by the honourable member for Niddrie and I was about to come to his last point, which was the privatisation of Audit Victoria — one of the two new bodies to be set up by the bill that will be read a second time tomorrow. There is no time frame in the bill for privatisation. The government prefers to go down the path of corporatisation prior to privatisation in the same way it set up business units such as the electricity generating and gas companies. It is the government's view that Audit Victoria be privatised, but I cannot be sure when that will occur. We have given a general rule of thumb that it will be within two years and at that stage I hope members of

Audit Victoria will take the opportunity to take equity in their own business — something they do not have the opportunity to do today.

The time frame for privatisation is not mentioned in the bill. The setting up of Audit Victoria is being done deliberately as part of the process of privatisation. The government could have moved to privatise Audit Victoria, but it believes it is better to have a consistent policy when changing government instrumentalities.

Motion agreed to.

Read first time.

EDUCATION (PRESCHOOLS) BILL

Introduction and first reading

Mr GUDE (Minister for Education) — I move:

That I have leave to bring in a bill to amend the Education Act 1958 with respect to the provision of preschool programs and to make related amendments to part XIA of the Health Act 1958 and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation about the bill.

Mr GUDE (Minister for Education) (*By leave*) — The bill will enable school councils to operate preschools in or outside school grounds. It does so in a way that enables them to operate in the same way as preschools are operated by existing preschool centres. They will continue to comply with the provisions of the Health Act.

Motion agreed to.

Read first time.

ALPINE RESORTS (MANAGEMENT) BILL

Introduction and first reading

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That I have leave to bring in a bill to make provision for the establishment of an Alpine Resorts Co-ordinating Council and six alpine resort management boards, to make provision for the management of alpine resorts, to amend the Alpine Resorts Act 1983, to make related amendments to other acts and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation of the bill.

Mrs TEHAN (Minister for Conservation and Land Management) (*By leave*) — The legislation will replace the Alpine Resorts Bill, which will be withdrawn. It is substantially the same as the Alpine Resorts Bill, but it makes variations that warrant the introduction of a new bill.

Motion agreed to.

Read first time.

ST ANDREW'S FOUNDATION BILL

Introduction and first reading

Mrs WADE (Attorney-General) — I move:

That I have leave to bring in a bill to provide for the transfer of certain charitable donations and bequests to the trustees of The St Andrew's Foundation and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation in relation to this legislation.

Mrs WADE (Attorney-General)(*By leave*) — Gifts and bequests have been made to St Andrew's Hospital, which of course is no longer in operation. Some of the gifts and bequests are inoperable because they have been made under wills that were not altered following the closure of the hospital. It would be possible to bring applications before the Supreme Court to transfer those donations to some other similar deserving cause. However, that would be a very expensive way of dealing with this issue and it has been decided to bring the matter forward by way of legislation.

Motion agreed to.

Read first time.

RESIDENTIAL TENANCIES BILL

Introduction and first reading

Mrs HENDERSON (Minister for Housing) — I move:

That I have leave to bring in a bill to re-enact with amendments the law relating to residential tenancies, rooming houses and caravan parks, to provide for a Residential Tenancies Tribunal and a Residential Tenancies Bond Authority, to repeal the Residential Tenancies Act 1980, the Caravan Parks and Movable Dwellings Act 1988 and the Rooming Houses Act 1990 and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation in relation to this legislation.

Mrs HENDERSON (Minister for Housing)(*By leave*) — This legislation brings together the three tenures of residential tenancies, rooming houses and caravan parks. It sets up a Residential Bond Authority and is introduced for a number of other purposes.

Motion agreed to.

Read first time.

GAS SAFETY BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) — I move:

That I have leave to bring in a bill to provide for the safe conveyance, sale, supply, measurement, control and use of gas, to amend the Gas Industry Act 1994 and other acts and for other purposes.

Mr HULLS (Niddrie) — Mr Speaker, I seek a brief explanation in relation to this legislation.

Mr STOCKDALE (Treasurer)(*By leave*) — The bill deals with the codification of the requirements in relation to oversight and regulation of gas safety in the context of the preparations for privatisation of the gas industry.

Motion agreed to.

Read first time.

RAIL CORPORATIONS (AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) — I move:

That I have leave to bring in a bill to reform the public transport system in Victoria, to amend the Rail Corporations Act 1996, the Transport Act 1983 and certain other acts and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation in relation to this piece of legislation.

Mr STOCKDALE (Treasurer)(*By leave*) — As the long title of the bill shows, the bill is to facilitate reform of the Victorian public transport sector, incidental to the privatisation of certain parts of the system and as part of the early stages of the preparation for privatisation of the main Metrail and tramway services.

Motion agreed to.

Read first time.

WATER ACTS (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) — I move:

That I have leave to bring in a bill to amend the Melbourne and Metropolitan Board of Works Act 1958, the Water Act 1989, the Water Industry Act 1994, the Food Act 1984, the Health Act 1958, the Health (Fluoridation) Act 1973 and certain other acts and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation, if the house pleases.

Mr STOCKDALE (Treasurer)(*By leave*) — The substantive portion of the bill is to implement the major water reform initiatives announced recently by the government, which involve $1.3 billion of capital subscription to the water industry in Victoria and which apply to all sections of the Victorian water industry — metropolitan water, non-metropolitan urban and rural water and catchment management authorities. In addition, it includes a number of relatively uncontroversial minor amendments which in some respects pick up items that were omitted from the last round of reforms and which make a number of other consequential amendments.

Motion agreed to.

Read first time.

GAS INDUSTRY (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) — I move:

That I have leave to bring in a bill to amend the Gas Industry Act 1994 and certain other acts and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation in relation to this bill.

Mr STOCKDALE (Treasurer)(*By leave*) — This is a complementary bill in respect of the substantive gas bodies, the Gas Transmission Corporation and Gascor, which complement some of the early steps taken to facilitate the introduction of competition into the Victorian gas industry, to facilitate the integration of that competitive industry into the developing national market and to facilitate eventually the privatisation of the industry. In the main, the direct privatisation provisions will be included in subsequent legislation. The bill is related to the reconstruction of the industry to create a competitive market in a more corporatised form, although it contemplates the privatisation of the industry next year.

Motion agreed to.

Read first time.

HEALTH SERVICES (ST ANDREW'S HOSPITAL) BILL

Introduction and first reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That I have leave to bring in a bill to repeal the St Andrew's Hospital Act 1978 and the St Andrew's Hospital (Guarantee) Act 1978, to amend the Health Services Act 1988 and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation in relation to this bill.

Dr NAPTHINE (Minister for Youth and Community Services)(*By leave*) — As the honourable member for Niddrie would be aware, the St Andrew's Hospital has been closed for some time. The bill will repeal the legislation pertaining to that hospital but will also provide for an ongoing administrative capacity for insurance and any other potential matters that remain ongoing with regard to that hospital's legal entity.

Motion agreed to.

Read first time.

WILLS BILL

Government amendments circulated by Mrs WADE (Attorney-General) pursuant to sessional orders.

Second reading

Debate resumed from 9 October; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — I guess the first question that ought to be asked in relation to the bill is whether people should make a will. All honourable members, certainly those of us who have practised law in any area, would argue very strongly that people should make a will. The reasons are quite clear. When one makes a will the disposition of one's property is in one's own hands, whereas when one dies intestate the distribution of one's property is decided by others, albeit subject to certain rules.

I recall one of the most traumatic experiences one could have as an articled clerk was being called in to be a witness to a person's will because of the extremely formal requirements involved in witnessing a will. Those requirements have evolved through the centuries and are encompassed in the current Wills Act. The requirements associated with the execution of a will are absolutely formal and my duties as an articled clerk were to ensure that the will was executed properly. I recall the requirements at the foot of each page and that it had to be signed and dated appropriately and in the right place.

I recall my father, with whom I did my articles, telling me that I had better not muck it up because if I did it would be challenged and somewhere down the track I might have to give evidence in the Supreme Court and would have to recall why it was that I did not have the will executed in the appropriate place. Grave concerns would be expressed about whether or not the deceased person's wishes had been adhered to and there would be questions about whether or not the will was valid. It was a traumatic experience.

I guess there has always been some sort of rationale for that formality. In the past it has been argued that such intricate formality was required because it actually provided evidence of the testamentary intent of a deceased person when that person was making such an expression of intent years before his or her death. I think it is also fair to say it was also argued that formality was required because it provided an opportunity for deliberation by the maker of the will.

Of course the makers of wills were still entitled to the use and enjoyment of their property during their lives so it was thought that without such formality there was a possibility of people making ill-considered, casual expressions of intent — that is, all the formalities would make people think fairly seriously about how their property would be disposed of after death. Those formalities have existed for quite some time.

The other reason that such formality was thought to be required was to establish uniform criteria for use by those making wills, not only to reduce the risk of litigation but to ease the burden on state officials whose task it would be to consider whether or not the executor's power to deal with the testator's estate should be authenticated by a grant of probate.

The approach of the courts, too, has always been fairly rigid in interpreting the contents of a will and how a will was executed. For many years, both here and in England, courts have required strict compliance with the formality of the type contained in the Wills Act and a range of rules and regulations has been a feature of wills legislation. Those rules have included things such as a gift under a will to somebody who actually witnesses the execution of the will becoming void.

There are many reasons for having such a requirement, such as concern that if a person were witnessing a will of an ill person in particular the witness would have the ability to exert a fair amount of influence over how the ill person disposed of his or her property. The legislation made it fairly clear that a person who witnessed a will would be unable to be a beneficiary under that will.

The rules and regulations also included a fairly narrow interpretation of testator's family maintenance. Indeed, that narrow definition is referred to in possibly the best text on wills. I refer to Hardingham, Neave and Ford's book *Law of Wills*. At page 261 in chapter 13 the text refers to testators family maintenance and the fairly stringent interpretation of testators family maintenance under the Wills Act, and states:

> Many legal systems have attempted to enforce the duty of a spouse or parent to provide for his dependants after his death. A common device is to require the testator to leave a fixed proportion of his estate to his wife and children. English land law adopted a different approach. Until the 19th century a widow was entitled to her dower. This gave her a life interest in one-third of all lands of which her husband had been seised during his lifetime.

It is still using, of course, the old English terminology. The chapter goes on to state:

> A widower was entitled to curtesy —

It would appear that some honourable members, particularly opposition members, have in the past, and in particular today, not received the courtesy to which they may be entitled.

The ACTING SPEAKER (Mr McArthur) — Order! The honourable member should not reflect on the Chair.

Mr HULLS — Nonetheless, the text goes on to state that:

> A widower was entitled to curtesy, which conferred on him a life interest in the whole of the real property of his deceased wife. These solutions to the problem of enforcing a testator's moral duty and protecting his dependents had the disadvantage of inflexibility, since they failed to take account of any special circumstances which might exist in a particular case.

The bill certainly loosens up the qualifications of people who are able to apply for testators family maintenance provisions. Hardingham, Neave and Ford go on to say:

> Testators family maintenance legislation adopts a different approach.

It then talks about the fairly narrow approach to testators family maintenance that is sought to be addressed by the bill. It states:

> The act confers power upon the Supreme Court of the particular jurisdiction to make an order for further provision out of the estate of the deceased, when the provisions of his will fail to make adequate provision for the proper maintenance and support of his dependents. An applicant for further provision must

show that the testator has failed to make proper provision. Once the jurisdiction of the court is attracted, the amount which may be awarded to a particular applicant depends on the circumstances of the case in question.

In the past the whole question of testators family maintenance has turned on the fact that it applies only for the provision of the proper maintenance and support of the dependants of the person making the will. In the past the Law Reform Committee has been asked to look at the relevant wills legislation. The committee of the time comprised former and current members of Parliament.

I was not a member of Parliament when the committee undertook that inquiry, but I must say it has produced an excellent report. I notice the parliamentary secretary nodding — no doubt because he was a member of the committee and helped to formulate the report. Despite that, it is an excellent report!

The committee was given the task of examining the provisions of a proposed wills bill that was drafted in July 1991 with a view to ascertaining the adequacy of the solutions it proposed to the problems in the existing law relating to wills; and also its effect on wills made or executed before that draft bill coming into operation, if it was enacted, and the need for changes to that 1991 draft to take account of any developments in the law relating to wills since it was prepared.

I have read the recommendations of the Law Reform Committee and am pleased to say that most of them are actually taken up in the Wills Bill now before the house. It deals particularly with some of the formalities to which I have referred earlier, which in the past, if they were not adhered to, made a will void. Of course, that caused a whole range of problems, particularly for those who were beneficiaries under what was declared a void will.

Clause 9 deals specifically with the ability of a court to dispense with certain requirements for execution or revocation. It provides:

> The Supreme Court may admit to probate as the will of a deceased person —
>
> (a) a document which has not been executed in the manner in which a will is required to be executed by this act; or
>
> (b) a document, an alteration to which has not been executed in the manner in which an alteration to a will is required to be executed by this act —
>
> if the court is satisfied that that person intended the document to be his or her will.

It is a very good provision. As the Attorney-General knows, I have argued time and again in this house for the absolute necessity of retaining judicial discretion in a whole range of areas. Clause 9 certainly gives the courts appropriate discretion to decide whether a will that may not have been executed or signed in the manner required by the act still sets out the intentions of the person executing that document.

I must say at the outset that this is a very good piece of proposed legislation. If I have not made it clear already, I point out for the Attorney-General's benefit that the opposition is certainly not opposing the bill.

In its report the Law Reform Committee refers to marriage and divorce and the fact that in the past if a will was made in contemplation of marriage or after a person became married, some problems arose if the marriage did not last and a divorce took place. That is referred to specifically at page 4 of the committee's report under the heading 'Marriage and Divorce':

> The Wills Act 1958 provides that no alteration in a will shall be presumed from an alteration in the testator's circumstances. It also provides that the significant alteration in circumstances occasioned by marriage does have an effect on a will. The committee has considered the adequacy of the 1991 draft wills bill's provisions as to the effect of marriage.

Paragraph 1.11.6 refers specifically to divorce and states:

> Divorce, a similarly significant alteration in circumstances, has had until very recently no such effect in Victoria. The committee has considered whether, upon divorce taking place, a will which confers benefits upon the former spouse should, in the absence of any contrary intention, be revoked automatically. In particular, the committee has considered whether such revocation should be total, in the sense that the will is no longer valid, or alternatively partial, in the sense that the will is invalid only to the extent that it purports to confer benefits upon the former spouse.

I suppose in one sense it was fairly courageous of the committee to take up this area of inquiry, but in another sense it was really doing no more than looking at the real world, particularly given that currently the divorce rate is going through the roof.

The committee decided it had to bring the wills legislation into the 21st century and consider whether it was possible to enact legislation to ensure that divorce was taken into account in relation to a will that may have been made prior to the divorce taking place. To her credit, the Attorney-General has encompassed that consideration in the bill. Clause 14 refers to the effect of a divorce on a will and states:

> The divorce of a testator revokes —
>
> (a) any disposition to the divorced spouse of the testator, made in a will in existence at the time of the divorce; and
>
> (b) the grant of a power of appointment by the will exercisable by or in favour of the spouse, other than a power of appointment exercisable by the spouse only in favour of persons who are the children of both the testator and the spouse ...

That is yet another attempt to bring the wills legislation out of its 17th and 18th century framework and into the 21st century. The opposition certainly has no objection to that.

I referred earlier to the fact that interested witnesses could not benefit under a will. That matter was also dealt with by the Law Reform Committee, which states at page 4 of its report:

> Under the present law in Victoria, a person who, or whose spouse, witnesses a will and stands to gain some benefit under the will, no matter how small, may lose that benefit. The rule established by the Wills Act 1958 is modified by the provisions of part V of the Administration and Probate Act 1958 which allow interested witness-beneficiaries to apply to the court to be granted a benefit from the estate of the deceased person. The committee has considered carefully whether the rule as to interested witnesses should be retained, abolished or otherwise modified.

That was an important area for the committee to examine because in numerous circumstances a witness to a will has been unable to take a benefit under that will simply because he or she has been a witness. That has caused great consternation among and a great deal of angst for potential beneficiaries. On occasion large sums of money have been spent in the Supreme Court in an attempt to explain, I suppose, why it is appropriate for the person who witnessed the will to take a benefit under that will.

The committee's recommendation relating to interested witnesses is contained in clause 11, which provides:

> A person who witnesses a will or his or her spouse, at the time the will is witnessed, is not disqualified from taking a benefit under the will.

It is simple, easy to understand and absolutely appropriate. Again, I commend members of the Law Reform Committee on taking such a sensible approach to what has been a fairly antiquated law for quite some time.

Nonetheless, I cannot let the opportunity pass without making a few comments about what I consider to be some lost opportunities in the formulation of the bill. I refer to the failure to adequately come to grips with the situation of de facto couples. I know my colleague the honourable member for Melbourne has commented about this in the past, and I shall refer to some of his comments because they are appropriate.

With such an excellent committee report, a report which has bipartisan support, and with legislation that mirrors its recommendations, the opportunity could have been taken by the Attorney-General to address the age-old question of what happens to the property of a person in a de facto relationship if that person dies intestate. That age-old chestnut, which has not been addressed, could have been addressed now.

I refer to some comments about de facto couples that the Attorney-General herself made as the member for Kew back in 1990. I hope the Attorney-General no longer holds the attitudes she expressed in that particular debate, but she may provide some indication when she sums up. I will be interested to know whether she intends to address the question of de facto couples who die intestate and whether she continues to hold the views she expressed about de facto couples in the debate on the Administration and Probate (Amendment) Bill of 13 November 1990. At page 1843 of *Hansard* she is reported as having said that the bill then before the house attempted:

> ... to put de facto partners in exactly the same position as spouses.

She went on to say:

> Most de facto partners do not want their relationship to be considered the same as a marriage. Nevertheless the Attorney-General or one of his advisers obviously believes that de facto partners should be treated the same as spouses, which, because it is difficult to achieve, has led to many of the problems with the bill.
>
> It is particularly difficult to achieve when a deceased person had both a spouse and a de facto partner. From a legislative point of view spouses are much easier to deal with because it is clear whether there has been a marriage; and under our laws one can only have one spouse at any time. The relationship commences immediately after a marriage ceremony. As the Attorney-General has found, not only in mark 1 of this bill but also mark 2, it is difficult to apply to de facto partners the same rules that apply to spouses.

That matter has been referred to by the honourable member for Melbourne in the past. Although it may be a very difficult area of the law to deal with, that does not mean we should simply throw our hands up in the air and not deal with it. Most honourable members agree that people living in de facto relationships are human and are entitled to the same rights and privileges as any other members of society. The bill is somewhat of a missed opportunity when it comes to dealing with de facto couples who die without making wills. The current Attorney-General — I think she was shadow Attorney-General at the time she made these comments — went on to say that:

> Even in longstanding de facto relationships where one of the partners dies without making a will his or her de facto partner is unable under the present law to gain a share of the estate.

Absolutely right. She further said:

> In circumstances I am aware of where, after a de facto relationship of 25 or 30 years, there are children and both partners have endeavoured to establish and maintain a family home and a business, all in the common-law husband's name, it is plainly unfair that his de facto wife should have no claim on the estate — and under the bill the same situation could well occur.

I echo those sentiments of the now Attorney-General. I could be making those exact same comments today. Some seven years later, almost to the day, the government has failed to address the problems enunciated by the then shadow Attorney-General. I hope this matter will be addressed by the Attorney-General, and she is nodding her head. She says it has been totally addressed in the bill, although I do not believe it has. Nonetheless, in 1990 the Attorney-General went on to say that:

> Some de facto partners will have rights if their partners die intestate, and some will have rights to claim maintenance from the estate; but some de facto partners will have no rights at all under the bill.

The bill is good legislation. It is long overdue and brings the law of wills into the 21st century. For instance, it enables a child to make a will. It is important in a whole range of circumstances, particularly where a child may have been willed a large sum of money. At the court's discretion a child is allowed to make a will to leave his or her estate to any person he or she deems appropriate.

I congratulate those members of the committee, who no doubt worked long and hard on their recommendations, on the good piece of legislation they produced. The Attorney-General is to be congratulated — unfortunately it is becoming a bit of a habit — on this piece of legislation. I also congratulate her advisers who no doubt did most of the work on the legislation. The opposition does not oppose the legislation; in fact it supports it.

Dr DEAN (Berwick) — I congratulate the honourable member for Niddrie for the good habit he is developing — he has some bad habits, but this is a good one — of backing the Attorney-General's groundbreaking amendments and progressive pieces of legislation. If you added up all those pieces of groundbreaking legislation for which the Attorney-General has been responsible and which are leading the way in Australia, you would probably have a score greater than any other Attorney-General. Those points are worth making, and it is good to see the opposition also recognises why the groundbreaking legislation is so helpful to this state.

Today I begin and end with a plea. It sounds like I am back in court. I start with this plea: the groundbreaking legislation takes steps that have not yet been taken over time by other states, not because they thought they were wrong but because even though it has been recommended to them they either have not got round to it or they have been a little hesitant in putting their best foot forward. My plea is that the National Uniform Succession Law Committee, which currently has the task of trying to implement uniform legislation on this subject throughout Australia, continues with full intensity. The word around the traps is that this Victorian

legislation is viewed as a template for other states. We have an opportunity for other states to come on board with many of the changes. I do not think Victoria would be seen to be saying, 'We insist that unless you adopt everything we have word for word by crossing every 't' and dotting every 'i', we will not support you'.

Quite clearly the progressive changes that the Attorney-General has brought about in this state should be followed. I hope the committee's work will continue and that the bill will be used as a model.

Although some people might say the best way to clear a chamber is to have some sort of motion or commotion, or some order from the Chair, I say the best thing to do is bring on debate about wills legislation. A debate on wills legislation is a great idea if you want to calm the house down and make everyone quiet and sleepy. Whether it was decided it should come on after the question time fracas or not, I do not know, but people do not flock in to hear about it.

Wills legislation is some of the oldest legislation on the statute book. It deals with an area with which parliaments have taken special care and initiated legislation in respect of rights right from the word go. For centuries there has been statutory legislation on wills.

The kick-off point for the present Wills Act is 1837. The 1837 act was a comprehensive piece of legislation but like many early acts of Parliament it was extremely inflexible. It contained 10 formal tests that had to be undertaken in relation to property and other particular things before a court would even decide to look at a will.

From 1837 on there has been a slow dawning leading to an understanding that we really need to hand the power over to the courts to determine what should be done in relation to wills. The whole object is not to get caught up with the words on a document and formal rules. The purpose of this exercise is to ensure that the wishes of the testator, the person who has died, in relation to his or her assets are carried out after his or her death.

There have been numerous committees — the Chief Justice's law reform committee, working parties and other law reform committees — that have looked into the legislation as time has gone on. There is an entire division of the Supreme Court allocated to looking at matters that relate to wills. We obviously have almost as great an interest in what happens to our affairs after death as we do in what happens while we are alive. It is not surprising that as intelligent human beings we are concerned about what happens after we depart this earth.

There is presently a bit of to-ing and fro-ing about the meanings of 'common law' and 'statutory law'. A big point is being made about common law in the Workcover debate. All of a sudden common law has been raised up on a pedestal as if somehow it is the fountain of all rights for human beings. History tells us that nothing could be further from the truth. Historically common law was the law of judges. It was the King's law.

At some stage people stopped coming to the King and his courtiers to have them decide on disputes in villages and so forth. The King would send out his representatives and the disputes would be determined in the villages. The representative would then go to another village and word would spread to the next village. By the time he or she — presumably 'he' in those days — got to the next village, if the same sort of dispute came up the villagers would say, 'In the last village in this particular case this is what you did.' The King's representative, being a sensible person, would say, 'I had better do it again.' As precedents and principles started to be built up, so the common law was built up.

The common law did not come about as the result of some intervening, positive step to try to create special rights for people. Disputes between the King and the people created the institution of parliament and the beginning of statutory law, which is why parliamentary or statutory law has priority over common law. A certain King found that out with the loss of his head. If Cromwell were alive today he would be able to give us chapter and verse as to why statutory law is the law of the people, and is the law that has priority over common law and upholds rights.

Where do we look in the range of statutory law today for the progression of people's rights? We look to equal opportunity legislation and the Fair Trading Act — to statutory law. Here we are looking at one of the oldest pieces of statutory law on the books, and a piece of law that has an enormous amount of history associated with it. Now is a good time to hesitate and remind ourselves that statutory law, whether we are arguing about Workcover or not, is the people's law, and the law that has had a history of maintaining and ensuring that the democratic Parliament of the people in this state has

primacy over rights created by judges many years ago.

Rather than going through all the changes one by one I will take the rule we all know most about — that is, the rule about signing at the foot of the page — and follow it through for a while to enable me to explain better the point that I am trying to make: how the act has been crafted over 100 years or more in getting to the point we are at today and why the culmination of these changes is so important. The rule was originally introduced in the 1837 act. Paragraph 9 of that act states:

> And be it further enacted ... That no Will shall be valid unless it shall be in Writing and executed in a manner herein-after mentioned; ... it shall be signed at the Foot or End thereof by the Testator, or by some other Person in his Presence and by his Direction ...

And so it goes on. That was the start of the rule about the foot of the page.

Quite clearly as time went on there were problems with it. It is a classical example of trying to dictate minutiae in relation to agreements or documents that people may prepare by putting words in statutes. What would and did happen was that for some reason there would be a bit of writing after the signature. A person could have written a sentence, signed it and then thought, 'Hang on a minute, there is that other sentence.' All of a sudden one would have a will that was not signed at its end or foot, unless it was possible to come up with a definition of the foot or end of the will that would get around that.

What would happen if a person signed at the bottom of a page but flipped over to another page to finish off the paragraph? What do we do if a person decides, 'I have written out my will. I will fold it up, put it in an envelope, write 'Will and testament' on the outside and sign the envelope.' Is it signed at the foot of the will? If you take the paper out you will see that it is not signed, but if you take the piece of paper out and match it up with the envelope, perhaps it is. How do you cope with that sort of situation? What do we do if a person has gone right to the bottom of the page, says, 'There is no room for the signature', turns the whole thing on its side and signs along the side margin? Have we got something that is signed at the foot of the page or at the end?

In 1852 these problems had already arisen, so it was decided, as is often the case, that the way to get out of the difficulty being caused by some words was to add some more words. If I may say so, this is an example of the oft-used principle that one does not use commonsense when a thousand words will do. In 1852 the Wills Act (Amendment) Act attempted to get over the few words 'signing at the foot of the page' by providing that:

> Every will shall, so far only as regards the position of the signature of the testator, or of the person signing for him as aforesaid, be deemed to be valid within the [Wills Act 1837] as explained by this act, if the signature shall be so placed at or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of the will that the testator intended to give effect by such his signature to the writing signed as his will; and no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the testimonium clause or of the clause of attestation, or shall follow or be after or under the clause of attestation either with or without a blank space intervening, or shall follow or be after, or under, or beside the names or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side or page or other portion of the paper or papers containing the will whereon no clause or paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature.

Clearly there was a real attempt to simplify the law. We can see that in 1852 there was still the idea that the way to get over a few words that did not make sense was to add more words. Unfortunately the words added did not make sense, so cases involving difficulties with the foot-of-the-page problem continue, even after this magnificent start. If a person gets this wrong, that is the end of the will. He or she will go to the intestacy provisions, with which I will deal in a minute. I do not think any one of us in this chamber would be too happy with the results if that happened. People who were beneficiaries under the will would be fighting pretty hard to ensure that a signature that was obviously not at the foot of the page was nevertheless accepted.

There were literally hundreds of cases. *The Law of Wills* by Hardingham, Neave and Ford gives examples. Virtually every exotic way of writing wills is cited or referenced by five or six cases which have

been decided and which represent just the tip of the iceberg of the many cases that have been thrown out over a hundred years. Hundreds of thousands of pounds have been spent in trying to determine the outcomes.

One of those cases is *In Will of Witts*. In that case the person had signed the will and then had probably decided to put in another paragraph, so he or she tried to put in a paragraph above the signature but could not quite fit it in so had to continue the paragraph underneath the signature.

The court said it knew the signature should be at the end of the will but even though it was not at the end of the will the court would regard what occurred after the signature as part of the earlier part — so even though the signature does not appear at the end of the will, the writing that occurs after the signature is regarded as part of the former paragraph and the will is therefore okay. That was an example of the beginning of the courts trying to squeeze their way around the difficulty.

In 1871 in *Re Goods of Birt* the same situation occurred, but there was an asterisk before something was referred to. The court said it would make a rule that an asterisk would mean that what came after was intended to be part of the will. In that case, even if the writing appears after the signature, if there is an asterisk before it it is all right.

In the 1833 case *In Will of Holley* the writing went over to another page, so the court had to determine whether the writing that had gone over to the other page was just a note or memorandum or was part of the former so that the signature was still at the foot of the page. A few more rules were invented. It was decided that if a part of a word is broken off and finished on the other page, it is all right — you are in there. If it is part of a sentence and that goes over, that is okay because it is still above the signatures. However, if the sentence finishes, is it still meant to be part of that paragraph or is it a new note? That is where things could become borderline, so it may or may not be valid.

There are some really exotic cases such as the case of the person who decided to fold his or her will up as it was written. The court realised that if the will was folded in a certain way, the signature appeared at the end. It then came to the conclusion that probably the person who made the will did fold the will in that way when writing it, so from another angle the signature was at the end. A judge would be sitting up on the bench, visibly folding a will to see whether, if it were folded the right way, the signature appeared at the bottom. I do not know the term used for folding paper.

An Honourable Member — Origami.

Dr DEAN — Thank you. In the case known as *In Estate of Bucknall* a person actually signed right at the beginning. That was difficult because the act says it has to be signed at the end. In that case the court said it thought the person had written his or her will backwards — it believed the person started on the last page and signed it and then everything that went thereafter was actually the first part of the will, so if the will were turned around it would be signed at the end even though it was signed at the beginning. That was a pretty good effort, I would have thought, for the court to be able to look at a will that was signed on the first page and say, 'No, that complies with the requirement that the signature be at the foot of the will'.

Then there were the people who finished writing the will and turned the page over and signed on the other side of the paper so the signature was obviously not at the foot of the will. The question that then arises is whether the person had just signed each page on the other side to label it or something. There is then a debate in court. God knows how long it takes. If it is an estate worth more than half a million pounds, two or three months might be spent in court. Firstly, what evidence can be brought? Only the face of the act can be looked at, and then there are all sorts of exceptions to the four-corners rule, so it is necessary to go to all those to ensure that even though it is signed on the opposite side of the page it is really signed at the foot of the will.

Then there is the person who has done the writing, sealed it up, put it in an envelope and signed the envelope. Is that signed at the bottom of the will? I think I should leave that one for you, Mr Acting Speaker, and towards the end of my contribution see whether you got it right. Certainly that is a case that was given quite a deal of currency.

Looking through Hardingham I found 200 cases listed as precedents on these questions. These are just representative, but in five cases people had actually signed the opening paragraph and in five others people had scrawled right across the middle, and the courts had to decide whether those signatures were at the foot or not. The difficulty is that the question had to be not only did the person sign with the intention of it being his or her will, but

was it signed in a certain position. That is the whole difficulty. What the courts were really doing was trying to work out whether the signatures were in the right position or not, even if they were signed with the intention that it was the will.

In 1958 there was another attempt in Victoria to get this right. The 1958 act goes into some detail. I read earlier what happened in 1852 when they tried to fix it. Victoria, along with other states, had a crack at fixing it up. Section 8 of the existing act states:

> Every will shall, so far only as regards the position of the signature of the testator or of the person signing for him as aforesaid, be deemed to be valid within the last preceding section if the signature shall be so placed at or after or following or under or beside or opposite to the end of the will that it shall be apparent on the face of the will that the testator intended to give effect by such his signature to the writing signed as his will. And no such will shall be affected —
>
> (a) by the circumstances that the signature shall not follow or be immediately after the foot or end of the will; or
>
> (b) by the circumstances that a blank space shall intervene between the concluding word of the will and the signature; or
>
> (c) by the circumstances that the signature shall be placed among the words of the testimonium clause or of the clause of attestation, or shall follow or be after or under the clause of attestation either with or without a blank space intervening, or shall follow or be after or under or beside the names or one of the names of the subscribing witnesses; or

We nearly did as well as in 1852, but I assure honourable members that section 8, with its many paragraphs, is an absolute goldmine for probate lawyers. We were still labouring under the misapprehension that if you have a problem with some words more words will fix it. In 1980 the Lord Chancellor's committee in England tried to fix the problem. Then the Chief Justice Law Reform Committee had a go and finally, as we have already heard, in 1984 the working party attempted to liberalise the provision. However, we did not get it right until the present Attorney-General and the government decided they would take the matter seriously and do something about it.

Even when examining the 1991 draft bill the 1984 working party used too many words. It was a lot better than the 1958 draft, but it still contained too many words and did not rely on the court's discretion. It was decided to do away with the foot-of-the-page provision, which was terrific. However, the 1984 working party also said that you could tell whether it was at the foot of the page only by looking at the face of the document. You would have to turn the document upside down to discover the intention of the testator! You needed to take into account other evidence — whether he or she intended to sign, even though the signature was halfway up the page to signify that it was the will.

The new amendment does three simple things. Firstly, the signature must show an intention that the document was meant to be the will. It says that in plain English. Secondly, it is not essential that the signature be at the foot of the page. Thirdly, it says the signature has to be made in front of two witnesses. I believe — famous last words! — we have fixed up the problems but lawyers are renowned for managing to get hold of legislation to frustrate the original intention of the testator. I make a plea to the courts and lawyers — let us finally knock this right on the head. All we have to do is make sure firstly that it is signed somewhere; and, secondly, whether it was signed with the intention that it is his or her will. We can then leave it to the court to decide.

The bill contains other reforms that I will refer to quickly. The intrinsic evidence provision is an advance. A law called the four-corners-of-the-document rule of evidence said you cannot take evidence outside a written document to determine what is said in the document. You must take it all from the face of the document, and that causes problems. The reason for the rule of evidence was that if someone intended something to be in the document he or she would have put it there, so do not start trouble by going outside the document.

The government's provision will mean that if there is an ambiguity or if something is meaningless, extraneous evidence can be used. We have gone the next step, which is the step of recent cases. Although it seems to make sense on its face, evidence can be introduced to show it is actually ambiguous and hence the ambiguity can be proved by extraneous evidence. That is important. However, evidence cannot be introduced if there are no ambiguities or meaningless words in the document. In those circumstances you cannot introduce evidence of the intention of the testator — that has to come from the document. The Attorney-General has got that right.

The clerical error provision is good. The minors provision, which has already been referred to, is

important. This is not about minors not understanding wills; it is about minors not exercising their discretion properly. It is about minors having idols and/or being unduly influenced; so it is all about whether a minor has exercised his or her mind with proper discretion and not whether he or she understands it is a will and what that means. That is why we have included in the bill the court's ability to make a will for a minor in special circumstances; but only if it is reasonable in all the circumstances.

The fact that we have included statutory wills is a step forward. I wish I had more time to go over these provisions in detail because they are a major step forward. Victoria is leading the way in this area and it is about time.

I conclude by congratulating the Attorney-General. I agree with the shadow Attorney-General, who has shown how much he agrees with the Attorney-General in this matter. It is good to see cooperation between the government and the opposition. We do not always have it and I think it is correct in this case.

The ACTING SPEAKER (Mr McArthur) — Order! Before calling the honourable member for Bendigo West, the Chair thanks the honourable member for Berwick for his wise discourse. The Chair now understands how lawyers can profit so much from so little.

Mr CAMERON (Bendigo West) — It is a pleasure to follow the honourable member for Berwick, who outlined the history of the act. He correctly points out that the legislation has the support of both sides of the house because it derives from the recommendations of an all-party parliamentary committee. It is pleasing to see a new bill result from such recommendations. The honourable member for Berwick referred to some of the cases which, to the outsider, appear ludicrous, but which have evolved over the years in the law of wills. It is an area of the law that has developed little over time and either the disposition has been valid or invalid. It is a case of black or white without shades of grey.

Clause 9 takes a different approach to previous law. It sets out the circumstances in which the court may determine that a will is properly executed even though it is not executed within the strict provisions of the principal act. The cases referred to by the honourable member point to some of the issues involved in wills. However, I do not believe this will mean the number of cases to be litigated will diminish. I suspect the number of cases to be litigated will grow. Although many of the old cases may be assigned to the rubbish bin of legal history, there will be great scope for more argument as to whether a will was or was not intended to be a will and therefore a valid disposition.

We are looking at these things in terms of balance and we have to look at what is fair. If someone did intend a disposition to be a testamentary disposition, surely that is the intention that ought come about rather than an artificial one that can be created by the striking down of a will as occurred in the old cases.

Many of the old cases have been referred to in the leading Australian text by Dr Hardingham. One of the leading English texts is *Mortimer on Wills*. His son John Mortimer, QC is the well-known author who wrote the Rumpole series of books. I remember reading *Clinging to the Wreckage*, a very good book in which John Mortimer talks about his father, a prominent legal jurist in Britain who practised in the admiralty, divorce and probate courts. He said of his father that he knew little of admiralty, at divorce he was good and at probate he was unbeatable; that if a testator had written a will on the back of a kite, his father would be there appearing in court with a precedent. The proposed legislation will mean that many of those precedents will be cast to one side, but we will see a fairer regime put in place.

Despite the proposal, I would thoroughly recommend that people prepare their wills in accordance with the established practice, to prevent any argument at all, because arguments over a will only lead to the estate being diminished in size through the legal costs involved. It is preferable that people make their wills in accordance with the established practice, rather than let the issue be argued over at a later stage.

Clause 11 provides that an interested person can benefit from a disposition under a will where that person has been a signatory to the will as a witness. The clause should be considered in terms of balance, as to whether it is good or bad. Certainly the old law provided that a witness could not benefit from a will, just in case that witness had somehow coerced or put the testator or testatrix up to making a provision in favour of the witness. On the face of it, that is fair enough. However, very often it was an innocent mistake and the witness was deprived of a testamentary disposition which he or she should have received.

The clause addresses the matter fairly and if it is clear that there was no coercion then the witness can benefit. The provision may result in more litigation in the area, but ultimately it will result in considerably more fairness in the will system and in obtaining probate.

Division 2 of Part 3 provides for a court to authorise a will to be made for someone who does not have testamentary capacity. Under the existing law, that is, the law prior to the bill being proclaimed, somebody had to be of sound mind before they made a will. When I was a young lawyer, or perhaps an articled clerk, I had to go to the Anne Caudle Centre, a nursing home in Bendigo, to have someone sign a will. I had never been into a nursing home prior to that. This person had given instructions to one of the principals of the firm some days earlier for the will to be made.

I remember getting to the nursing home and having to go up to the third floor. I remember the distinctive smell of the nursing home and thinking, 'This place is terrible'. Although some years later I became a member of the board of the Anne Caudle Centre, that was my first impression of a nursing home. I remember a charge nurse telling me that the person who was to sign the will was not up to it that day and therefore she would not let him sign it. I remember not wanting to disagree for one moment, readily accepting that advice and scurrying out of the place as quickly as I could. I do not know what happened subsequently, whether he has got his mind back enough to sign a will. But certainly the Division 2 of Part 3 will be relevant in such circumstances, because it relates to someone who has left very clear instructions while he or she was of sound mind and it would mean that a court could authorise a will being made in those terms, even though the person had subsequently become of unsound mind.

Clause 14, which is taken from the all-party committee recommendations on divorced people, is very sound and sensible. Certainly when the law of wills evolved divorce was a very rare thing. In fact, divorce took place only in very exceptional circumstances and it usually occurred only among people in a financial class who would always consider the matter of their wills. Of course, that subsequently changed and now divorce in our society is unfortunately very high. In view of that, we must administer wills legislation fairly, because many people obtain a divorce but they do not think about altering their wills. It may mean that a person they formerly loved but now dislike intensely becomes the surprising beneficiary of the estate. It may mean that a substantial slab of the estate of the person who has died is handed over to the surviving spouse, to whom he or she would not have wanted to give a single thing immediately prior to death. The new provision will preclude the surviving divorced spouse from benefiting from the will, unless of course that was clearly intended. The clause will bring the wills legislation up to modern times and it is a common sense provision.

I refer members to new clause 55, which inserts a new section 91 dealing with testators family maintenance. The new provision is very sensible because it does not define a set class of individuals who may apply for TMF but leaves it very broad. I take up a matter raised by the shadow Attorney-General — that is, where de facto relationships fit into the scheme of things. It may well be that a deceased's de facto spouse is still ineligible to receive TMF because he or she does not need to be maintained or supported because of circumstances. I noted the Attorney-General nodding when the shadow Attorney-General raised this matter. Clearly a court is able to give more than TMF to such a person and it should be a reasonable gift, bequest or devise. The extent of that gift or devise would depend on the strength of the relationship and what the other party would have intended. Certainly, the changes to TMF that have been made by the bill are a step in the right direction.

Clause 39 is also welcome in modern society, where people are divorced and remarried. The measure stipulates that in order that a will take effect any beneficiaries must survive the testator by 30 days. I mention the provision because of the possibility of a man and woman who both have children from a prior marriage marrying and living as a couple. If one of them died, the surviving husband or the wife would take the whole estate, and subsequently might leave everything to his or her own children rather than to the children of both of them.

I raise this matter because currently if a husband and wife are both killed in a car accident which, unfortunately, too often occurs, and they are both killed instantaneously or someone is unable to determine who died before the other, there is a presumption that the younger person died later. For example, if the man was a little bit older, there would be a presumption that the woman died after the man. Therefore, because she was alive at the time of his death, under the man's will everything goes to the wife and then her estate would be distributed and it would go entirely to her children. That is

clearly unfair in those circumstances. However, the new measure provides that the husband's estate is to be distributed entirely to the husband's children and the woman's estate is to be distributed entirely to the woman's children.

In conclusion, this is an excellent bill. The step has been taken after a lot of consultation over a long time. In the 1980s a working party considered wills legislation. In 1991 a draft bill was prepared and subsequently referred to an all-party parliamentary committee. All the members of the committee should be congratulated on the work which has led to this bill. I commend the bill to the house.

Ms McCALL (Frankston) — It is always a pleasure to follow a speaker on the other side when the opposition is supporting something — congratulations to you all! Congratulations should be offered also to the Attorney-General for introducing yet another extremely useful, ground-breaking and modernising piece of legislation.

Mr Hulls — What a brown nose!

Ms McCALL — Thank you very much! I shall continue in the same vein. There are two significant dates in the historical context with which the honourable member for Berwick entertained us. The first is in the original Wills Act of 1837, the UK act. The significant date for Victoria is that that was the year that Queen Victoria came to the throne in England, which is an interesting historical parallel. In 1852 the Wills Act was amended, not just because of the gobbledegook in the original act but also in recognition of the boys who were about to fight in the Crimean War, which took place between 1853 and 1856. It is paralleled in the amendment to our own act which will remove the difficulties faced by members of the defence forces when making wills. I suppose there is an interesting historical parallel; however, we are not about to fight in the Crimea, nor, let us hope, anywhere else.

One of the reasons I was interested in taking part in this debate is because I represent an electorate with an ageing population, which means that the issue of wills is of grave concern to many of my constituents.

An Honourable Member — The live ones!

Ms McCALL — Certainly — that is why it is of grave concern! Recently I have been approached by many people, some of whom have been widowed in the past 12 to 18 months. They are members of a generation of whom the women are not quite as independent as those of us who are in Parliament today. Some of them have difficulties because they have never been taught how to control a bank account, pay certain bills or access money for their own survival. When their husbands have died they have found it extremely difficult to find their way through the probate and wills system, and subsequently to gain access to the family estate. They will be gratified by and will probably be cheering the bill, as its provisions will enable them, firstly, to understand far more clearly what their rights will be. Secondly, if they have any difficulties over the wording or the signature, whether it is at the top, bottom, middle or upside down in the left-hand column and written in inverted commas, they will be able to establish that a will or letter of intent by their spouse is in fact the right document for them.

In recognising that the measure is long overdue, I refer to the problems that people have had with wills in the past. I am extremely grateful to the Internet — which I can now access with some ease! I looked at some of the more interesting wills in history and printed a number of them. I do not intend to bore the house with reading them in their entirety, but I shall draw on a couple of interesting wills from history and refer to some of the problems associated with them.

In more recent history, there is the case of Warren Burger, a former Chief Justice of the Supreme Court of America, who lived from 1907 to 1995. If a former Chief Justice of the Supreme Court of America cannot get his will right under the American law, which in some respects parallels ours and that of the United Kingdom, there is obviously no reason why any member of the non-legal profession in Australia should understand it, either. He left behind a self-written 176-word will in which he gave his entire estate to his two children, but he failed to give any power to his executors and made no provision for estate taxes, which of course exist in the United States. Those apparent oversights have caused probate on the will to be delayed and have cost the entire estate thousands of dollars, which one would imagine he would have much preferred his family and his children to enjoy than perhaps the legal profession in America — or the legal profession anywhere else.

I quote from a couple of other very famous wills, one English and the other an American one that predated the original UK Wills Acts. The first is the last will and testament of Samuel Johnson, dated

December 1784. It is exceptionally wordy but beautifully written, as Samuel Johnson was one of the more erudite members of our history. The first sentence says:

> In the name of God. Amen. I, Samuel Johnson, being in full possession of my faculties, but fearing this night may put an end to my life, do ordain this my last will and testament.

The first sentence of any will that many of us have seen is not very different from that. The second document is the last will and testament of Benjamin Franklin, written in 1789. While this may not be directly related to the Wills Bill per se, I crave the indulgence of the chamber in reading from it:

> It having long been a fixed political opinion of mine, that in a democratical state there ought to be no offices of profit, for the reasons I had given in an article of my drawing in our constitution, it was my intention when I accepted the office of President, to devote the appointed salary to some public uses.

A noble man, if I may say so.

An honourable member interjected.

Ms McCALL — Indeed, I think it is a message for us all. I shall move to something a little lighter, to probably one of the most literary wills ever to appear. It is the last will and testament of an extremely distinguished dog — written in 1940 by Eugene O'Neill. It is extraordinary that the dog was capable of actually writing a will. I have tried many times to get my cat to take pen to paper, without much success! The will was made in recognition of the fact that, as defined by Eugene O'Neill, the dog had just as much right to decide what happened to its estate as any of us.

I thank the anonymous contributor to the worldwide web on 28 January 1997, who designated his last will and testament to Flat Broke:

> I, Flat Broke of the state of poverty, being of unsound financial status do hereby make, publish and declare this to be my last will and testament to wit:
>
> Item 1. I leave to my children namely viz: my sons, Gone Broke, Flat Broke Jr, Been Broke and Almost Broke, all my debts, both public and private to be shared equally.
>
> Item 2. I leave to my daughters: Patience Broke, Never Broke and Going Broke the knowledge that I was always broke and they will always be broke.
>
> Item 3. I leave to my beloved wife, Broken Hearted Broke, not one thing as I am flat broke.

Levity aside, I can say only that the bill will go a long way to demystifying the issues underlying the making of a will that many members of the public find very disturbing and daunting. With deference to my legal colleagues in the chamber, it seems to me that in the early stages of making wills the only people who benefit are the lawyers. As a member of the justice committee with no legal background, it was a great delight for me to ask my colleagues to explain to me in plain English what the bill would actually mean when it was enacted. They had a bit of difficulty coming up with answers.

I share both the concerns raised by the honourable member for Niddrie about the rights of de facto partners and particularly the issues raised by the honourable member for Bendigo West about divorced spouses. I would experience some horror and would be a little worried if my divorced spouse reappeared from some 12 000 miles away!

Mr Hulls interjected.

Ms McCALL — Yes, he was an absolute shocker!

We might also consider the rights of children of previous marriages and perhaps — dare I mention it? — the rights of illegitimate children or children born outside traditional wedlock. In conclusion, I commend the Attorney-General on an excellent piece of legislation which, as a non-lawyer, I have managed to understand and am happy to read. I am therefore prepared to update my will without the benefit of legal advice and will probably be happy to know that I do not have to sign at the foot of the will in order for my intentions to be clearly understood.

Mr SEITZ (Keilor) — On several occasions I have spoken in this house about wills legislation and have communicated with the Attorney-General about it. I commend her on the steps taken to review the situation. My electorate includes an ageing community with a difference — it is an ageing community of people who were born overseas and who come from different cultures and backgrounds where different laws and totally different procedures regarding wills have operated. They do not understand the system in Australia and often do not make wills.

Of course, the legal fraternity is advertising on the radio and everywhere else that people should make wills and that they can buy kits and write wills themselves. That brings me to a very important point. Under Australian law it is important that members of the migrant community also make wills because if they do not they may suffer some very sad experiences, particularly in cases where the deceased had no relatives in this country and made no will. It then becomes a nightmare for the relatives overseas, if they are lucky enough to receive advice and communication about how to claim the estate of a deceased loved one. It becomes a protected situation, and the legal fraternity makes a lot of money.

In many cases properties lose a lot of value in the process. In one case that I know of a property was not even insured while it was in the hands of the lawyers. What would have happened if the house had burnt down during that time? It would have been very difficult to establish ownership and so on. In that particular case the property was eventually sold and the money was divided among the relatives overseas.

In another case the neighbours of the deceased person were greatly concerned about the matter. They had known the family. The husband had made a will leaving everything to his wife, but the wife did not live long enough to make a new will to take account of the changed situation. It became a protected and protracted exercise. The local suburban lawyers did not proceed with the matter for some five years. Eventually an interested person took up the matter and got the State Trustees to take over the case. Even so, the local lawyers said, 'We are not handing over the file unless you pay $10 000 up front because that is the total of our expenses up to now'. That is a sad story.

I welcome anything that simplifies the procedure and raises awareness about the need to make wills. I suggest to the Attorney-General, as I have done in the past, that there is a need to raise the awareness of ageing members of the community, perhaps through senior citizens centres and so on, and to get the message out about the importance of making wills. If children or other potential beneficiaries encourage family members to make wills, it does not mean that they are greedy. In this country it is necessary to make a will so that the legal fraternity does not cash in on the circumstances and drag out the process.

The lawyers argue, for example, that they need to have documents translated into another language to send back to, say, a brother in another country. In many cases in migrant communities, people's relatives, children and friends are spread all over the world, which means the process is protracted anyway.

If one lives in Croatia one does not need to make a will — the property automatically goes to the wife or the children; they simply have to go to the local council or registrar, explain that the father has died, and the property goes to the next of kin. In most cases it goes to the wife, but if she is no longer living, it goes to the oldest son and then the children down the line. There is a succession process in most countries, including Malta.

People have come to see me who do not understand the Australian process and have not made a will. In many cases elderly parents have left Australia and retired to their country of birth, whether it be Greece, Malta, Croatia, or even Serbia, for that matter. They have left properties in Australia or children successfully running the business, but they have not made a will. The children send them their pensions or endowment payments to keep them happy and comfortable in their twilight years in their country of birth. If the parents die over there without having made a will, how will the case be handled and the property be transferred to the children, for whom it was obviously intended?

There is a need not only for the legal profession to raise people's awareness of the need to make wills by offering their services and will kits, but also for education of the migrant community in particular through various means, including ethnic radio programs, about the importance of making wills. In many countries the culture is such that it is absolutely taboo to talk about the issue. The parents immediately think, 'Is he trying to poison me so I can die and he can inherit my property more quickly?'. The issue has all sorts of connotations, and I have come across this way of thinking in my electorate.

People have frequently come to me asking how to make a will, how to have it witnessed and documented and where to store it. Finding the will after the death of a relative can be a problem. If somebody dies and the will has been hidden in a shoe box somewhere at the back of the garage, it is impossible for anyone else to know about it. I usually advise people to store their wills in a safety deposit box in the bank, which is the logical place to look. If a will is prepared by a lawyer and the legal firm stores it in its files and then moves, there may

be problems in archiving the documents and sometimes they cannot be found easily or traced afterwards.

Over recent times the archiving of legal documents has improved. However, I am going back to the early days of postwar migration when legal practices were set up in the western suburbs and wills were drafted and left in the solicitors' offices. If those solicitors passed away and the businesses closed down, problems arose when trying to locate records. These issues are very important to the people in my electorate, and they should concern honourable members. Of the 88 members of this house I wonder how many know how to go about making a will. I wonder whether they even have legal wills that would not be contested or challenged in a court of law. It is something we do not seem to pay a lot of attention to. Some may consider they have to make wills only if they have large businesses and millions of dollars and that their family houses, cars, radios and other special mementos that might be left to those who did good deeds are insignificant. They think it will just happen because they discussed with their sons or oldest daughters what they want to happen when they have gone. That is not good enough nowadays. All those items need to be recorded and deposited in a safe, accessible place. People need to know where wills are so that they can process them.

In relation to the laws of other lands and the involvement of overseas relatives, in most cases when it comes to transactions with European countries if wills were not created in Victoria and family members think they are entitled to part of the overseas estates, they can make out powers of attorney with me as the witness and send them overseas. The overseas family members simply go to their councils, which are usually where the records are kept, stating that they have the powers of attorney to deal with the estates. The council decides who gets what. There is no need to have wills. Here in Australia there is such a need. The postwar migrant population is dwindling. However, the number of people who have not made wills is becoming more common. Lawyers become involved and family arguments arise with overseas relatives trying to cash in on the estates.

The bill makes the preparation of wills easier, especially when compared with the mumbo jumbo of the past when the legal fraternity could challenge wills because they had not been signed in the correct place or initialled where changes had been made on the documentation and so on. I hope part of the package surrounding the new bill will be a campaign to encourage members of the community of all ages to make wills. I am pleased to see that the bill even allows for the making of wills by minors. With the changes occurring in modern society, it is important that minors have the ability to make wills, particularly if they get married, which is an issue that has to be addressed in Australia. It is important that minors are informed of their right to make wills, particularly married women from different cultures. If such a minor had an inheritance and was subsequently killed in a car accident, for example, he or she can make a will that ensures that inheritance is sent back to his or her country of origin or have it transferred to his or her children or spouse as the case may be.

There is also the added complication of property in other countries. I do not know the view of the Attorney-General about somebody making a will when he or she has an estate overseas. It is important that the government has an advisory bureau from which people can seek advice on how to handle those situations. Many migrants come from well-to-do families overseas. Often I hear of their rushing back to their countries of origin for the funerals because their father or mother has died and the property is being divided up. The situation must be addressed: migrants should be able to make wills in Australia in respect of the property in their countries of origin so that their children can one day go back to claim those inheritances. How are those situations to be dealt with? Is the Victorian law adequate or do they need separate wills registered in their countries of birth where the assets and properties remain?

The subject of wills is long and complicated. It becomes far broader when one considers the needs of the migrant community. For far too long we have not addressed the problems of the migrant community. We have not educated them about the laws of this land and the State of Victoria to avoid the agonies and problems that arise if clear instructions have not been left in wills.

I wish the bill a speedy passage. Once again I ask that we continue to advertise and promote the need for people to make wills. The government should explain to the public that the legislation has been simplified and wills are more easily recognised legal documents so that the community is not scared of making them.

Mr THOMPSON (Sandringham) — The honourable member for Keilor made a very good

point about the promotion of the practice of will-making in the wider community. I pose a question to the honourable members for Springvale, Geelong North and Niddrie: have they made wills that distribute their estate in accordance with their intentions?

Mr Hulls — We were not allowed to.

Mr THOMPSON — I understand more than 50 per cent of the community do not make wills that reflect their intentions. A number of anecdotes have been recounted about the history of will-making, and I would like to add one or two. One of my favourite wills was that of a French barrister. He left his entire estate to the local madhouse. His will said, 'During my lifetime I took my money from fools and in making this bequest I make fair restitution'. Comments regarding legal expenses have been echoed by the Minister responsible for Workcover in more recent days.

The administration of estates is a very complex area, and there are often competing interests and competing stakeholders. My experience in legal practice threw up a range of illustrations. In one case two sisters in their 60s were concerned about their mother's will. I had occasion, as the honourable member for Bendigo West had done himself, to visit the nursing home where the will was to be made. There was a question regarding the testamentary capacity of the person making the will. I was reliant upon the advice of the sister, the nurse and a couple of phone calls beforehand to the family doctor, just to check whether, in the mind of the doctor, the person about to make the will had the necessary testamentary capacity to do so.

Sometimes that capacity could vary. One week the person might have a clear memory and be able to relate very well, yet another week, as a result of the administration of drugs or loss of memory, she may not necessarily be judged to have the requisite capacity.

In other cases people come to the stage in life where they are distributing their estate and there may be questions about to whom they might distribute it. There have been cases where people in their 80s and 90s have no survivors. Their children might have predeceased them and they face a situation of deciding whether to leave their estate to someone at the local supermarket, the nurses who look after them in the nursing home, or to make a number of charitable bequests to organisations such as the institutes for the blind and deaf, the Red Cross, the Salvation Army and a number of other organisations.

Others such as those the honourable member for Keilor alluded to might have a background in another country and problems may be encountered in determining who the beneficiaries to an estate might be and with familiarisation with the law of the country involved. There are other examples where a particular act may not address all of the human circumstances that might arise in the absence of a will maker who takes an active interest in his or her estate and its proposed distribution.

One case that comes to mind is a fellow who had been separated from his second wife for some seven years, who had not remade a will that he made during the time of that marriage and who died of cancer. Two people had a prospective interest in that estate. His mother was in her 70s and was not technically entitled to any interest in the estate. The other person was the spouse of the deceased. There had not been an ongoing relationship for a number of years but a formal divorce had not taken place. The question was who, as a matter of equity, was more fairly entitled to a share in the estate — the 75-year-old mother or the spouse who had been separated from the deceased for seven years. Those sorts of questions are not capable of resolution in the absence of an active role on the part of the person who has an estate to distribute.

One of the important issues that needs to be addressed is the obtaining of good advice. One can receive very constructive advice from a number of sources, even while making a speech. Nevertheless good advice at the time of the making of a will is imperative. The honourable member for Keilor referred to advertisements advertising will kits. In my humble opinion most will kits are not a very good device because many questions can arise in the making of a will. The honourable member for Hawthorn says they cost only $45.

I have experience of cases involving estates that have cost $100 000 or more to litigate to sort out disputes that could have been avoided if at the outset the parties involved had sought good legal advice, perhaps from the honourable member for Bendigo East, who is in the chamber and will make a contribution later. I am sure he has made a number of very good wills, has applied his legal mind with precision and has administered many fine estates.

There are many issues that need to be wrestled with. Even the keeping of a simple list on the part of the

person making the will can be of benefit. Such a list should delineate the location of property titles, the volume and folio particulars, insurance policies that have been taken out on houses and properties, the location of jewellery, bank account numbers, the name of past and present solicitors and medical practitioners. If that information is kept in an accessible location it can simplify greatly the administration of an estate.

There are a number of specific clauses to which I wish to allude. Before doing so I point to the fine history of the evolution of the bill. It commenced with the inquiry back in 1984. The then Law Reform Committee reviewed the recommendations of the Law Reform Commission and the bill was presented to the house through the fine work of the office of the Attorney-General and her assistant, the parliamentary secretary, who has already spoken in the proceedings today. He made an elaborate exposition of the history of will making, referred to some of the complications and complexities that have arisen through the ages and talked about statute law improving on the common law.

Clause 21 will be of great benefit in ensuring that the interests of the testators, or people who are in the process of making a will, have their intentions realised, even though at the time of the will being made they may lack testamentary capacity. Clause 21 provides the opportunity for a will to be approved by the court in circumstances where an individual lacks testamentary capacity.

The Sandringham electorate has the third-highest proportion of people over the age of 65 in Victoria. It has a large number of nursing homes. If a person's circumstances have changed, if an individual who is otherwise the beneficiary under a will predeceases the testator or if for a range of other reasons it is appropriate for the proposed distribution of an estate to be amended, clause 21 provides a groundbreaking reform and opportunity for a will to be approved by the court.

The terms of distribution are not automatic. There is a large volume of information required under clause 28 which the court may require in support of an application for a will to be made or approved by the court. It requires an outline of the volume and contents of the estate, evidence that is available to the applicant as to the wishes of the person, any evidence that is available regarding the prospects of the person regaining testamentary capacity and any evidence that is available to the applicant of the terms of any will previously made by the person.

This is a very significant reform. In the context of national scheme legislation we may very well see clause 28 replicated in other states of Australia. It provides the opportunity for a court to oversee the achievement of a just outcome during the lifetime of a testator who may lack testamentary capacity.

Another interesting reform is clause 11, which provides for a will to be approved or for a beneficiary who is also a witness to a will to receive a benefit under the will. From my recollection if there was a beneficiary to a will who served as a witness to a will, the will would not be invalid at the end of the day but the beneficiary would not be entitled to his or her entitlement.

The history of the court under our common-law system is full of a range of cases where fraudulent intent has sometimes been acted upon, fraudulent documents have been developed and fraud has taken place. I could give examples of where in the past few years people have breached positions of trust for their own financial advancement. The newspapers are full of such stories, and really the theme is the same, only the names of people who have acted out of avarice and sought to impose their own intentions on a testator by preparing fraudulent documents change.

A number of other provisions in the bill will have the effect of improving the law relating to wills. The position relating to marriage and divorce is clearly clarified in clause 14. In relation to divorce in particular it states:

> (1) The divorce of a testator revokes —
>
> (a) any disposition to the divorced spouse of the testator made in a will in existence at the time of the divorce.

The equitable term in clause 14(2) states:

> This section does not apply to any disposition ... if it appears that the testator did not want the disposition appointment or grant to be revoked upon the ending of the marriage.

So they are constructive reforms that have been developed by the Attorney-General with the aid and assistance of her parliamentary secretary. It is supported by both sides of the house, and I am pleased to commend the bill to the house and enable the honourable member for Bendigo East to make a strong contribution to the debate.

Mr JOHN (Bendigo East) — I wish to make a brief contribution to the debate and to congratulate

the Attorney-General on the expertise of the reforms and her conduct of the consultations, which have taken place over a considerable period, to bring the law relating to wills into the 1990s and further as we go into the next century.

I had the privilege of working in a law firm in Bendigo for 20 years, from 1965 to 1985. For most of that time I was a partner in the firm, which was probably the second-largest law firm outside Melbourne. During that time we made wills for thousands of clients. I estimate that I probably made somewhere between 2000 and 4000 wills for clients of my law practice.

I shall briefly take issue with the honourable member for Keilor, whose views I respect but who oversimplified the need for accuracy and precision in the preparation of wills. For many centuries bureaucrats, lawyers and parliamentarians have been involved in trying to simplify the English language used in legal matters, especially wills. Even having been in this place for 13 years at a time when it is fashionable for people to criticise lawyers, I would advise people to seek expert advice when dealing with their life's possessions rather than going to the stationers and buying will forms or going to see councils, as the honourable member for Keilor said people did in his home country. The role of lawyers in the preparation of wills and the disposition and administration of people's estates is important.

The purpose of this bill is to restate, with amendments, the law relating to wills in Victoria by making provision for, firstly, the making, alteration, revocation and revival of wills, including the capacity of minors to make wills and the effects of marriage and divorce of testators on wills made by them. It is also to make provision for the capacity of the court to authorise the making or rectification of wills in certain circumstances, especially when certain forms have not been followed. The bill also makes provision for the construction of wills and for other general matters relating to wills and it repeals the Wills Act 1958, which has now become an anachronism, and amends the Administration and Probate Act 1958.

Through these reforms the government will make it easier to make a will and make the administration of wills and the disposition of people's estates simpler and, we hope, fairer. Under the proposed changes long-term carers, stepchildren, de facto partners or other persons who may have moral claims on a deceased person's estate will be recognised for testators' family maintenance purposes.

The current provisions are quite restrictive and exclude the ability of some persons who have moral claims on a deceased person's estate from making those claims. At present applications may be made only by a widow, a widower or children of the deceased. The bill will enable applications to be made by de facto partners or stepchildren who have not been provided for in the estate and will allow a person who has contributed to a house, for example, as a carer during a terminal illness to make application. The bill does not include a list of eligible applicants for testators family maintenance, instead leaving it to the court to determine on a case-by-case basis whether a provision should be made for a particular applicant.

The amendments are part of a package of reforms that will simplify and modernise the language and operation of the Wills Act, and the proposed reforms, which adopt the majority of the recommendations made in a report of the parliamentary Law Reform Committee, will provide a model for other jurisdictions.

One of the main concerns about the current act is the requirements for the formal execution of a will, which will be dispensed with. At present a failure to make a will in conformity with those requirements will result, in most cases, in the will being invalidated. Other major changes include the abolition of the interested witness rule to ensure that such a witness in some circumstances is not disqualified from taking a benefit under a will, the introduction of a requirement that a beneficiary survive a testator by 30 days before inheriting, the repeal of provisions dealing with the wills of soldiers and mariners because all branches of the Australian Defence Force now actively encourage service personnel to make wills, and many others.

The bill implements long-overdue reforms to will making in Victoria and to testators family maintenance legislation. I commend the bill to the house.

Mrs WADE (Attorney-General) — I thank all honourable members who have contributed to this debate. I particularly thank them for congratulating me, my parliamentary secretary and my advisers on the work that has been done over the years. I also thank the members of the parliamentary committee who have contributed greatly to having a successful bill that has been acclaimed by all.

The only person to express doubts on the bill was the honourable member for Niddrie, but they concerned only one particular aspect. He felt I had lost an opportunity to come to grips with the situation of de facto couples. He quoted at length what I had said in 1990 and asked whether I still felt the same way. Indeed, I do feel the same way. I feel that de facto partners should have access to estates, particularly in circumstances where they have contributed to the building up of an estate or where there has been a relationship the nature of which would indicate that they were entitled to a share of an estate where the partner has failed to make a will. The bill deals with this in the provisions relating to testators family maintenance applications.

A consideration of the bill will show that it is revolutionary in that regard. At the moment only widows, widowers and children of a deceased person can make an application under the testators family maintenance legislation. As that is being amended by this bill, anybody will be able to make an application, including a de facto partner or someone who has perhaps nursed another person over a long illness. It will deal with the stepchildren problem that has recently been raised in the courts. Anybody can make an application, and the court will assess it according to the criteria set out in clause 55.

I had hoped to bring these provisions into Parliament much earlier. I drafted them back in 1990 and put them to the then Attorney-General as being a way in which we could solve this problem.

I felt at that time that the provision put forward by the then Attorney-General, which gave an entitlement without a testator family maintenance application to certain de facto partners, would not operate fairly because it was based on certain time limits and other criteria which would mean some deserving cases would be in and others out. I have turned my mind to this at length and the only way I could see to deal with the problem is to give judges the discretion. I am sure that receives the approval of the honourable member for Niddrie.

These are revolutionary provisions. As I said I prepared the initial draft in 1990. I have had considerable trouble with my bills committee, which has tried to redraft the provisions, and I am sure parliamentary counsel has made some improvements.

I am particularly pleased to introduce the provisions into the house together with the wills provisions, which are largely due to the work of members of the law institute's property and wills committee, the all-party parliamentary committee, officers of my department, and some interstate input from people who are looking at picking up the bill as a model for legislation in other states. I thank everyone for contributing to the debate.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 23 agreed to.

Clause 24.

Mrs WADE (Attorney-General) — I move:

1. Clause 24, line 15, after "who" insert "acquires or".

Amendment no. 1 is a technical amendment relating to a person who acquires testamentary capacity for the first time, which was overlooked when the bill was drafted.

Amendment agreed to; amended clause agreed to.

Clause 25

Mrs WADE (Attorney-General) — I move:

2. Clause 25, page 18, line 7, after "has" insert "acquired or".

Amendment no. 2 is drafted on a similar basis to amendment no. 1.

Amendment agreed to; amended clause agreed to; clauses 26 to 31 agreed to.

Clause 32

Mrs WADE (Attorney-General) — I move:

3. Clause 32, lines 15 to 18, omit all words and expressions on these lines and insert —

"The Court must direct that a certified copy of an order under this section must be attached to the grant of probate or letters of administration with the will annexed (as the case requires) of the will to which the order relates, and the Court must retain the probate or letters of administration until the copy of the order is attached.".

Amendment no. 3 makes clear that a certified copy of an order under this section must be attached to the grant of probate or letters of administration with the will annexed.

Amendment agreed to; amended clause agreed to; clauses 33 to 60 agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

LAW AND JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 9 October; motion of Mrs WADE (Attorney-General).

Mr HULLS (Niddrie) — The Law and Justice Legislation (Further Amendment) Bill is an omnibus bill that makes amendments to 11 or 12 acts. The opposition has voiced its concern about omnibus bills being introduced because of the difficulty to have appropriate consultation during the two-week adjournment period. Nonetheless, the bill makes minor and fairly sensible amendments to various pieces of legislation, some of which I will deal with specifically. It is a pity the Attorney-General is not present.

Mr W. D. McGrath — She will be back.

Mr HULLS — The Attorney-General will not be back after the next election, but I hope she returns to this place soon because I will make some comments about victims of crime and the amendments to the Bail Act. Ever since the government took away compensation for pain and suffering for victims of crime — a callous, obscene act — it has been on the back foot. It has been playing catch-up football in relation to victims of crime.

Honourable members interjecting.

Mr HULLS — The honourable member for Berwick is back to his true form with inane interjections. He says the Attorney-General has done more for victims of crime than any other Attorney-General. That is nonsense and he knows it. Despite the rhetoric the Attorney-General used prior to the last election about showing sympathy for victims of crime, not long after the election she introduced legislation, supported by all members of the government, that took away compensation for pain and suffering for victims of crime. We remember that very sad day and we are about to embark upon another very sad day in the state when the government introduces legislation that takes away workers' rights to sue under common law.

The ACTING SPEAKER (Mr Richardson) — The reference of the honourable member for Niddrie to victims of crime is limited in its scope. I hope the honourable member will return to those aspects of the bill that he should be dealing with.

Mr HULLS — Certainly. I was indicating the reason for the amendments to the Bail Act. They are introduced because of the Attorney-General's obscene act of taking away from victims of crime the right to sue for pain and suffering.

She realises that act will result in a huge backlash against the government. She is currently in a safe seat, but I expect that the legislation she introduced some time ago to take away compensation for pain and suffering for victims will lead to her downfall at preselection.

The ACTING SPEAKER — Order! I invite the honourable gentleman not to incur the wrath of the Chair but to relate his remarks to the bill before the house.

Mr HULLS — I intend doing that, Mr Acting Speaker.

The ACTING SPEAKER — Order! Sooner rather than later would be preferable.

Mr HULLS — Changes made to the Bail Act provide what a judge or magistrate must take into account when considering whether to grant bail to a particular person. Clause 4 amends section 4(3) of the principal act, the Bail Act, which provides that, when deciding whether to grant bail to a person, a judge or magistrate must take into account — if it is expressed to the court — the attitude of the alleged victim of the offence to the grant of bail.

The only possible reason this has been introduced by the Attorney-General is the disquiet and concern that has been expressed to her and her colleagues about the abolition of compensation for pain and suffering of victims. This is something of a sop to victims of crime and an attempt to win back their support. The opposition is not opposing the proposed amendment but again I point out why it is

being introduced: it is nothing more than a sinister attempt by the Attorney-General and the government to win back some support from the most vulnerable members of our community.

When one looks at the history of the Bail Act which was introduced in 1977, one sees clearly the rationale for taking into account certain things when granting bail. The then Minister of Labour and Industry, Mr Maclellan, made a number of interesting points in his second-reading speech on the Bail Act. He set out the rationale for granting people bail and made it quite clear that bail is a right of a person who has been charged with an offence, unless there are reasons why a person should not be granted bail. So the prima facie position is that bail ought be granted unless there are compelling reasons why a person who has yet to be convicted of an offence should be held in custody. In his second-reading speech on 28 April 1977 the then Minister of Labour and Industry said:

> Bail is fixed primarily to ensure that an accused person will attend his trial, but there has been growing concern in the community about the way the present law and procedure relating to bail has been achieving this object. The Statute Law Revision Committee requested the Social Welfare Department to carry out some research on persons held in the remand section at Pentridge. The results of the research showed that at the date of the inquiry substantial numbers of people were held on remand merely because they were unable to find bail in the amount set. Thus the system appeared to have the effect that some people were unnecessarily held in custody pending their trial. This imposes a penalty on those who are poor or unable to find the required security.
>
> The bill represents an attempt to balance the conflicting rights of accused persons to be free pending their trial and the interests of the community in ensuring that the accused commits no further offences and does in fact appear when required.

The rationale for granting bail was set out by the minister when he said:

> The bill states at the outset the basic proposition that an accused person is prima facie entitled to be released pending his trial, subject to such conditions as appear necessary to ensure the accused's appearance in court and to satisfy the need for public safety.

Of course, public safety includes whether any threat is felt by the alleged victim if a person were released on bail. Already judges and magistrates are compelled by section 4 of the Bail Act to take into account a whole range of things, including whether, if a person is released on bail, he or she will:

> ... endanger the safety or welfare of members of the public or interfere with witnesses or otherwise obstruct the course of justice whether in relation to himself or any other person.

The act provides also that in assessing whether to grant bail the matters that ought to be taken into account include the nature and seriousness of the offence, the character and antecedents of the accused person, the history of any previous grants of bail to the accused person and the strength of evidence against the accused person. Basically, all avenues are covered by the current legislation.

The attorney is now saying, which is a bit of a sop to victims, that the attitude, if expressed to the court, of the alleged victim of the offence to bail should be taken into account. That is already taken into account by judges and magistrates under the current system, so in effect the amendment that is being proposed is superfluous. That is why the reason for it being proposed and introduced has to be canvassed, because finally the attorney is feeling guilty about what she has done. I do not know whether she got rolled in the cabinet room or the caucus room, or she is feeling guilty about taking away compensation for pain and suffering for victims. But she and every other member on that side of the house should feel guilty about the legislation they supported.

Magistrates and judges already take into account the attitude of victims. We have to go only to a report dated as recently as 21 October 1997, appearing in the *Herald Sun*. The headline is 'Bail refused for man accused of stalking'. It refers to a particular person; I will not mention his name, although it is already on the public record. The article says:

> A jilted lover accused of waging a terrifying stalking campaign on an ex-girlfriend was yesterday refused bail by a magistrate.

It says:

> Heidelberg Magistrates' Court heard [the person], who is facing one charge of stalking and three of breaching an intervention order, sent his former partner threatening letters and made frightening phone calls to her, despite having an intervention order taken out against him in August.

It reports that he allegedly goaded her and committed similar types of things, and that bail was refused because the prosecutor made clear to the court what the concerns of the alleged victim were. Clearly, judges and magistrates already take into account the concerns of an alleged victim. That is why the amendment is no more than a sop to counteract the obscene behaviour some time ago of the government and the Attorney-General in introducing the legislation that took away compensation for pain and suffering to victims.

Some inconsistencies in the attitude to bail are obvious among members of the government. We need go no further than the absolutely outrageous comments of the Premier, which even the parliamentary secretary would not agree with. They were reported in an editorial in the *Age* on 10 January 1995 and in the *Sunday Age* on 15 January 1995. The comments are very interesting as they show the attitude of the Premier to bail.

In relation to the comments in the *Sunday Age* of 15 January, I quote from an article headed 'Lawyers, police hit tougher bail plan'. The article was written by John Schauble and states:

> The Premier, Mr Jeff Kennett, told the *Sunday Age* last weekend that he would ask the Attorney-General, Mrs Jan Wade, to review laws and procedures on violent offences. In particular, he said, bail could be refused in cases of street and domestic violence.

Basically he intended to change the whole onus in relation to bail. That view is also supported by the editorial in the *Age* of 10 January 1995, which criticised the Premier's view in relation to bail.

I refer to the second-reading speech on the Bail Act, which makes it quite clear that prima facie every person is entitled to bail unless circumstances are such that bail ought be refused because every person is innocent until proven guilty. But the Premier's attitude was that in certain circumstances we should forget the traditions of the law, and he was prepared to say that in certain cases a person is guilty until proven innocent. He was prepared to say that in certain cases bail should not be granted at all. That is a ludicrous situation which shows just how out of touch the bloke is.

We saw a further example of how out of touch the Premier is by the 60 000 or so people who attended the rally today against his proposed Workcover legislation. As I have said, that is another matter that will be dealt with in due course. It will be interesting to see how many government members have the guts to stand up to him on that matter. From their previous jelly-back performances I have no doubt that they will adhere to what he says. When he says, 'Jump!', they simply ask, 'How high?' The *Age* editorial of 10 January 1995 states:

> The reaction of the Premier was, characteristically, to reach for an instant solution. Mr Kennett's proposal, to deny bail to people charged with violent crimes, has an appealing simplicity.

And doesn't the Premier have an appealing simplicity as well! It continues:

> Such a proposal would keep some violent offenders off the streets, at least until their trials.
>
> But the Premier's suggestion has disturbing implications for civil liberties in that it erodes one of the basic principles of our legal system. This is that an accused person must be presumed innocent (and therefore not be punished) until proved guilty.

That is one of the most basic tenets of our democracy: that a person is innocent until proven guilty. But in 1995 the Premier was prepared to consider legislation that would brand a person guilty until proven innocent. As I said, judges and magistrates have the judicial discretion to take into account a whole range of things when considering bail, and obviously a victim's safety is one of the things they consider. Through the bill the Attorney-General is including in section 4(3) of the Bail Act consideration of:

> the attitude of the alleged victim of the offence, if the alleged victim chooses to express an attitude to the court, to the grant of bail.

I have little doubt and it is probably fair to say that very few alleged victims would want an accused person out on bail. There would be very few instances where an alleged victim would be running off to the prosecutor or to the court and saying, 'I allege that I have been assaulted by this person, but let him out on bail'. That would happen in the rarest of circumstances, if at all. However, once a victim expresses a view to the Supreme Court in relation to the release of a person on bail there is a real opportunity that that victim will face a trial for the third time. That person could well be placed on trial on three occasions.

Already in certain circumstances alleged victims face enormous scrutiny and cross-examination at

committal proceedings. If an alleged offender is committed to stand trial alleged victims have to go through that trauma — and it is a traumatic experience for a victim. However, you can bet your life that if a victim expresses a view to the court in relation to whether or not a person should be granted bail lawyers will start subpoenaing victims to back up their claims at the bail hearing. That is exactly what will occur. Victims will be put on the ropes yet again at the bail hearing.

It may well be that the legislation will actually impose more pain and heartache on victims than has been envisaged by the government, the Attorney-General or the parliamentary secretary. I simply warn the government of the real possibility that victims will be subpoenaed at a bail hearing to give evidence on the bail application and that could well place an unfair burden on victims and have at least the potential to place them on trial for a third time.

I suspect that the Attorney-General either has not given that any consideration at all, or alternatively takes the view that this is a sop to victims and believes that victims will not realise that what I have suggested is a real possibility, and as a result will come back onside in droves. The fact is that they will not. Victims have analysed the legislation. They are well aware of the reasons behind it and will not be fooled by the Attorney-General or her government.

What victims want and what the opposition has given an undertaking to ensure occurs after the next election is a reinstatement of compensation for pain and suffering for victims of crime. We are on the record as saying that that is what we will do. That is what victims want. They want dignity restored. They do not want to be placed on trial for a third time.

Dr Dean — On a point of order, Mr Acting Speaker. The shadow Attorney-General has the right to cover a fairly broad range in his speech. However, he has now referred to victims of crime in about 50 or 60 per cent of what he has had to say. This bill deals with the Credit Act, the Country Fire Authority Act, the Equal Opportunity Act, the Firearms Act, the Instruments Act, the Interpretation of Legislation Act, the Magistrates' Court Act and the Supreme Court Act. The area in the Bail Act that refers to victims is absolutely minute. It says in one tiny paragraph that victims have a right to be heard.

It is quite apparent that the shadow Attorney-General is trying to make this debate all about victims of crime, which is not what this act is about. It is irrelevant. He is straying from the purposes of the act and ought to be brought back to the act.

The ACTING SPEAKER (Mr Richardson) — Order! The amount of space devoted to a particular issue in a bill does not govern the amount of time which a speaker may devote to addressing the house on that section. The fact is that the honourable member has, in the main, been relevant because clause 4 refers to victims of crime in relation to bail. The honourable member has strayed from that on some occasions and I have drawn his attention to the error of his ways.

In general the honourable member has been relevant. If he chooses to devote all of his speech to clause 4 that is in his hands and not in the hands of the Chair.

Mr HULLS — I certainly hope that in his contribution to the debate the honourable member for Berwick will address those very serious concerns about clause 4(b), which deals with the ability of victims to express a view at a bail hearing. I hope he will advise the house whether he has taken into account that there will be occasions when victims expressing such views and seeking a right to be heard — no doubt in a court on some occasions — will be subpoenaed and cross-examined in a bail hearing. I will be very interested to hear what his attitude is to that.

That is clearly the nub of the issue. It has the potential to put victims on trial yet again, but no doubt the honourable member will get his opportunity to express his views. It will be very interesting to hear how he justifies potentially putting victims through trauma yet again. Let us hope he does a much better job than he did when he was involved in the tawdry act of taking away payment of compensation for the pain and suffering of victims. He ought to be ashamed of that.

The amendments to the Bail Act do a number of other things. Clause 5 deals with sureties. It actually makes it easier for people who are some distance from the person being bailed to act as sureties. The opposition has no problem with that amendment.

Clauses 7 and 8 obviously deal with the Khailes case. It has been expressed to me, and no doubt to the Attorney-General, that some difficulty is experienced where a person's bail has been revoked; the only way he or she can take the matter further is

by application to the Supreme Court. That has caused some difficulty, with delays, costs and the like. The amendments make it clear that in certain circumstances where a person's bail has been revoked he or she may make a further application for bail. Again, that amendment is welcomed by the opposition.

Despite the concerns the opposition has about the amendments to the Bail Act, it does not oppose the bill because by and large most of the amendments made to the various acts are minor and technical. However, it is important to focus on those amendments. The Attorney-General and the government gave a commitment before the last state election to look after and actually enhance the rights of victims of crime, but they have done exactly the opposite. As a result of the flak they have received they are now introducing arbitrary pieces of legislation in bits and pieces.

Mr McArthur interjected.

Mr HULLS — The inane interjections from the honourable member for Monbulk show clearly that it is hurting him in his electorate, too. I well recall the obscene speech he made on the victims of crime legislation. He will have to wear that from now until the next election. The fact is that the government is playing catch-up football in relation to victims.

As I said, this is a fairly expansive omnibus bill. It includes some amendments to the credit legislation. Clause 13 contains specific amendments to the Credit (Administration) Act 1984, and clause 14 deals with amendments to the Credit Act 1984. It appears that currently the money that is used for the operation of the Consumer Credit Fund referred to in clause 13, which deals with advertising and the like, actually comes out of consolidated revenue. The amendment will ensure that the money will come out of the fund. The opposition does not have a problem with that.

Clause 14 is interesting. When one first reads proposed section 36(2B) one has to be almost a Philadelphia lawyer to understand it. It is fairly wordy, and it is probably badly worded. I shall read the provision to illustrate my point:

> (2B) Sub-section (2A) applies only if the amount of the credit charge paid or to be paid under the contract is not greater than the amount that would have been required to be paid had the estimated credit charge not been stated as an amount greater than that which was required or permitted to be stated.

If that is plain English, I will go he. That really is an example of extraordinary wording. One must analyse it very carefully before one can understand what it is about. I will not make any defamatory remarks about the person who actually drafted the bill, but after analysing it and receiving a briefing on it, it appears that that provision and proposed subsection (2A) are an attempt to deal with the fears that exist about a number of credit unions.

As I understand it, five or so credit unions that have between 17 000 and 18 000 credit contracts have actually given an incorrect estimate of what the instalment payments should be. Although the overall charges are appropriate and have not been overestimated, the actual instalment payments have been overstated. Under current legislation for an overestimation by more than 1 per cent a penalty is imposed on the credit union.

I understand the Credit Tribunal has dealt with a couple of these matters. It has been explained to the tribunal that the problem is basically a computer glitch; that people are not being ripped off; and that, indeed, the overall charges being levied are appropriate, but because of the computer glitch an inappropriate instalment calculation has been sent out to people. Having heard a number of these matters, the Credit Tribunal has not taken any action.

Rather than creating some real concern about building societies and having a run on their funds, the bill intends to rectify the computer glitch, as it is called, and it appears to do so retrospectively. The opposition is certainly prepared to accept the assurances that have been given on this matter and will not oppose the amendments to the Credit Act.

The bill also contains a number of amendments to the Equal Opportunity Act. It is appropriate to talk about some recent cases that have been heard by the tribunal. I understand that all the amendments to the Equal Opportunity Act are actually being sought by the relevant commission or tribunal. A number of amendments deal with giving more flexibility to the tribunal in its constitution. Clause 36 facilitates that flexibility by proposing a new section 182 in the Equal Opportunity Act. That is certainly an appropriate flexibility to give the tribunal.

Clause 27 gives the president more control over the types of agreements that can be lodged. I understand also that that amendment has been requested by the tribunal president. The opposition has no problem with that, either.

I suppose one of the main changes to the equal opportunity legislation is contained in clause 19, which deals with the definitions of 'employer' and 'employee' and brings them into line with the federal Workplace Relations Act 1996. Again, the opposition has no problem with that.

I should make the general comment that the Equal Opportunity Act still includes an extraordinary number of exemptions. There are more than 37 exemptions where, prima facie, discrimination can take place. The Attorney-General and the government should examine that. There seem to be more exemptions than there are measures to prevent discrimination.

It is interesting to note that one of the cases that was settled fairly recently, just before the introduction of the equal opportunity legislation, involved a sacked lawyer. The case was referred to in the *Herald Sun* of 3 May 1994 under the headline 'Sacked lawyer gets $40 000 settlement'. The article refers to $40 000 paid to a Dr David Neal, who was sacked by the Attorney-General. The article states:

> A sacked government lawyer has received a government payout after accusing the Attorney-General of firing him for political reasons.
>
> Dr David Neal, the former head of the Attorney-General's legislation branch, yesterday reached a private settlement — believed to be about $40 000.
>
> He had fought the government for compensation since he was sacked two weeks after the 1992 election.

The article goes on to say that despite legally withdrawing the allegation, Dr Neal:

> ... continued to claim he had been persecuted for being appointed by a previous Labor Attorney-General.

Then he is quoted:

> 'I am not a Labor Party hack and I have never been in the Labor Party', he said.
>
> 'But it is not an offence to be in the Labor Party and it doesn't mean you can't do your job.'

It seems extraordinary that the Attorney-General introduced an Equal Opportunity Act containing some 37-plus exceptions and exemptions when the same Attorney-General was involved in serious allegations of breach of the equal opportunity legislation and where it appears that, as a result of her totally inappropriate behaviour, a substantial payout was made to someone who, in effect, was employed by her and sacked for political reasons. One really wonders about the bona fides of the Attorney-General herself.

Another interesting case referred to in the *Herald Sun* of 2 October concerned the infamous Santa Claus case. Myer finally withdrew its application for exemption from the Equal Opportunity Act which was to be heard in the anti-discrimination tribunal. Believing children thought only white males were Santas, Myer sought an exemption so that it could employ only white males to dress up as Santa Claus. As the Minister for Police and Community Services would know, that is not the case. The minister, who I am sure still believes in Father Christmas, would be well aware that anybody can play the role of Santa. I am sure he is tempted to play the role of Santa on many occasions! But I am sure nonetheless children can see through the mask.

A number of other amendments are made by the bill. I understand parts 11 and 12 were sought by the Sheriff's Office. In the past there has been some uncertainty about the value of vehicles that can be seized under warrant. The bill clears up that uncertainty. The amendment to the Magistrates' Court Act makes it clear that, after receiving the relevant notice, a person can opt to voluntarily deliver a car to the value of less than $5000 to the Sheriff's Office to avoid a term of imprisonment. If a person attempts to avoid imprisonment by delivering a car with a value greater than $5000, that extra money has to be reimbursed, and cannot be applied to other warrants. That is a sensible amendment.

Some minor amendments are made to the Instruments Act and the Interpretation of Legislation Act. Amendments are also made to the Firearms Act which I expect my colleague the honourable member for Yan Yean will deal with in due course.

In conclusion, although the bill contains many technical amendments the opposition does not oppose it. I return to the Bail Act. The amendments are being introduced only because of previous obscene legislation introduced by this government and this Attorney-General. It is an insult to victims, who can see through it. It may well have the unwarranted consequence of subjecting victims to more trauma. That is the last thing the opposition wants.

Dr DEAN (Berwick) — I always find it surprising that the honourable member for Niddrie can get up and say how bad a bill is and what is wrong with it, but does not offer any amendments. In the end he usually says the opposition will support the bill. One has to ask oneself: is the honourable member for Niddrie just lazy? Is he a person who has not got himself together so that he can do nothing about it or does he believe the changes are not worth making? It has to be one of the two.

Surely if he believed there was something wrong with the bill or something ought to be changed, he would have done something about it. But he has not. Therefore one would have to take the view that it is the usual approach of the honourable member for Niddrie — that is, volume says all. He shouts and gets personal. He gets stuck into personalities to try to hit his mark. Of course as the last election revealed, that approach has not been successful so far.

I shall take a slightly more low-key approach to the matters raised by the honourable member for Niddrie. Firstly, I refer to victims. If he had read the clause properly he would have seen it is dependent upon the attitude of the victim — that is, it is up to the victim. We are looking at a prosecutor; not someone who is personally interested. A prosecutor will not subpoena a victim when the victim does not want to be there. If the honourable member for Niddrie had done any work in court — —

Mr Hulls interjected.

The SPEAKER — Order! The honourable member for Niddrie.

Dr DEAN — I am sorry, I missed that. I was obviously overcome with some of the nonsense arguments put by the honourable member for Niddrie in relation to the bill. If the honourable member had done any work whatsoever in court, he will know that if a prosecutor was going to try to subpoena a victim to attend — —

Mr Hulls — It is not a prosecutor.

Dr DEAN — He would know that the person concerned would simply not — —

The SPEAKER — Order! The honourable member for Niddrie has completed his contribution.

Dr DEAN — The defendant would not want the victim telling the court all about the crime and so forth. If the defendant decided to subpoena the witness and it is the defendant's witness, the witness cannot cross-examine. I do not know what the honourable member for Niddrie is talking about. He is miles behind the play on court procedure. It clearly underlines the fact that he is not serious about what he is saying, otherwise he would have moved an amendment to resolve whatever he thought was a problem.

What is more of a problem is that the honourable member for Niddrie has come in here and said, 'I support victims', but what he is saying is, 'I don't want the victim to have the right to have any say when it comes to bail applications.' In other words, when a judge is trying to determine whether a person should go out into society or stay in gaol, which is a very difficult decision to make, the honourable member for Niddrie is saying, 'Let us leave victims out of it because they don't have rights — we will forget them.'

The honourable member for Niddrie suggested that the Attorney-General has it in for victims. I suggest that if the honourable member for Niddrie had any concern for victims at all he would be supporting the amendment and not just throwing mud at victims' rights to have a say in appropriate circumstances.

It is very important to get it right in respect of bail applications because they are a twilight zone of criminal law and one is right on the borderline in dealing with them. No-one has been convicted of a crime. It is simply a case of an allegation having been made. A judge has to decide whether the person involved should be incarcerated. It is an extremely difficult decision. A person who has been charged has rights on the basis that he or she has not been convicted. At the same time the judge has to make very fine decisions about what will be the impact in the real world should the accused person be allowed out.

It is a shame that the honourable member for Niddrie has not taken this topic more seriously because bail applications are one of the most difficult areas of criminal law. The issue comes right up against all the rights and principles that people hold dear in the system and it is essential that we get it right.

I do not envy judges having to make such decisions. Judges have to take into account whether an accused person is likely to turn up to court again or be a danger outside, the nature of the offence and other such matters. If on the one hand a judge gets it

wrong and releases someone who should not be released people in the community will be the first to complain. If on the other hand he gets it wrong by incarcerating someone who is subsequently acquitted the judge may have difficulties of conscience but should understand that although he made the wrong decision in the circumstances he made it for the right reasons.

Bail decisions are always very difficult decisions in a very touchy and important area and no amount of concern and consideration or extra information is too much to assist them in those difficult circumstances.

So far as the changes in relation to sureties are concerned, in situations where a person who has been charged is asking to be allowed to go back into the community pending trial and a judge has come to the conclusion that the person can go back into the community prior to trial but that surety is needed, it is important that it happens immediately. If there is a hold up in obtaining surety there is a situation in which a judge has made a decision that a person who has been charged should go back into the community but has to incarcerate the person until surety can be fixed. There is no justification for any administration hold ups or barriers to obtaining surety.

I welcome the provisions that allow video conferencing to be used and that allow affidavits of justification that have been signed before a different magistrate to be used. Anything that can get surety dealt with quickly and to the satisfaction of the judge is worth while.

I return to the comments of the honourable member for Niddrie. He talked about a difficulty with clause 14. It is a simple matter but it is complicated in its execution, which is why the words appear complicated. It effectively states that if in the calculations of credit you get it wrong to the extent of more than 1 per cent and hence the penalty flows, if in the end you only charge the same credit charge — even though your calculations are wrong, it is all right, and you should not incur a penalty for that. That is what the subclause says.

The clause states that the exemption applies only if the amount of the credit charge paid, or to be paid under the contract — that is, the amount that should be paid — is not greater than the amount that would have been required to have been paid had the estimated credit charge not been wrong. I do not think it can be said any more simply. I am sorry the honourable member for Niddrie has difficulty with statutory construction. I had not seen the clause but having read it quickly and understanding the basis for it I cannot think of better words that can be used. I am quite comfortable with that process. Any lawyer who has experience of statutory construction will not have any difficulties with it.

I do not understand the basis for the comments of the honourable member for Niddrie in relation to the Equal Opportunity Act having too many exemptions. It is not a matter that has been raised or has universal acclaim. I have heard no public comment in relation to too many exemptions. The Equal Opportunity Act is an act that has to be treated with great respect and I want to make some comments about it and about why it is so important that one has exemptions to it.

If one tries to take the Equal Opportunity Act beyond the community's understanding and what the community will appreciate, if one takes it beyond where society is comfortable and tries to push society down roads it does not want to go down the act will fall down. It will not do its job because, like it or lump it, it has social impact. It has social ramifications, and that is why it is so important to take the community with you. If one tries to be smart about the act and to remove exemptions when according to the community they are necessary and required exemptions, then the community will lose faith in the Equal Opportunity Act and the bit of social directing that it does.

The Equal Opportunity Act is an act that not only captures those people who breach the normal standards of conduct in relation to discrimination but also has a big information flow-on effect. It has a big teaching role and there have been many judgments and comments by the Anti-Discrimination Tribunal in relation to the role of the tribunal — that is, the community is made aware of how the act can make our lives better.

The amendments were hardly touched on by the honourable member for Niddrie. The main change is a desire to ensure that if one discriminates on the basis that a person is not a parent that it is caught by the act. It certainly should be because there is just as much reason not to discriminate against people because they are parents as there is not to discriminate against people if they are not parents. That is an important change. It is a matter of public perception and it is only fair it should be there.

There is also a change in relation to personal services. Under the present act if you are choosing a housekeeper for yourself the Equal Opportunity Act does not apply. It is your home and it is a person who will be looking after you, therefore you have a right to make a choice. However, that was not carried through to cover an agency that made a decision on your behalf. Now that is carried through to an agency, and that is only fair.

I want to get back to the point that it is important that the Equal Opportunity Act does not go beyond community expectations. It is an act that has great ramifications and there are many aspects of equal opportunity cases which are quite different to criminal or civil cases.

Quite often actions in equal opportunity have political ramifications and the situation arises where the applicant, who is effectively prosecuting someone for something that is almost quasi-criminal, has a big impact on the life of the defendant or respondent even before the decision is made.

In my previous career at the bar I did a lot of equal opportunity work, and there were many occasions when the respondent would go into a hearing where sexual discrimination allegations were made about what the person did to employees and so forth and the case would attract the attention of the media. It is a quasi-criminal claim to say about someone that he or she is interfering with you sexually, so once the action is brought and the media are there a person can often be pretty well convicted. That was the case in some of the situations I was involved in. A person who comes from a small country town can be crucified simply because the allegation is made before the tribunal makes a determination. Some weeks down the track — maybe some months — that person may be found to be not guilty, but the damage is already done.

I am not saying it should be a closed trial, it should not, but I am saying it is a very important matter. People say the same things happen in a criminal trial, but that is not so because in a criminal trial there is a prosecutor who has no personal stake in the action itself. The prosecutor is not going to go out and whip up publicity or take it to a political level just because it is going to help the case. The prosecutor is there to do a job for the community. However, in an equal opportunity case the complainant is in fact the prosecutor, but a prosecutor with a personal interest.

That is why there is publicity and why tribunals have to handle these sorts of cases with a great deal of decorum. In such circumstances a tribunal has at its disposal all the tools such as in-camera proceedings or even saying that certain matters will not be made available until the end of the trial. But the tribunal has to think seriously about doing those things because of the ramifications. That is why the honourable member for Niddrie is so wrong about exemptions. It is a dangerous area to get wrong. It is unfair to both the complainants and respondents to get it wrong. That is why the community must be behind you and why you must have solid exemptions to ensure that people who ought not be caught up in this process are not caught up in it.

The registration of a conciliation agreement was also mentioned. I do not think the honourable member for Niddrie understood what was happening. It does not give the board the opportunity to play around with conciliation agreements; they have nothing to do with the board. All it does is to say that if the tribunal does not want to register it because it is beyond its capacity to enforce, it will not do so. It should be able to do that.

Greater flexibility for panel members is also most important. Many other tribunals sit as one member and there are many cases where tribunals should only sit as one. It is a great inhibition on a tribunal to be forced to have three members when quite clearly the hearing warrants only one. Further, the funds could be far better used for other matters.

The bill also clears up a difficulty in referrals to the Supreme Court. A couple of cases in the Supreme Court have suggested that only the entire tribunal could refer a matter, which means the whole board itself. If there were a tribunal of three and its members said, 'Yes, we want to refer it', they could not do so until all the tribunal members had been brought together and agreed to do so.

The changes in relation to the Instruments Act are not before time. This is the only jurisdiction that still requires the registration of book debts. Not only is it not necessary to register book debts, it is quite dangerous to do so, because if one goes to the registrar and sees there is no assignment of book debts one says, 'That's fine. I am happy they have their book debts'. There are now so many ways that book debts can be used as securities without being assigned when in fact they are not really in the hands of the company that it is possible to be totally misled. The bankruptcy and liquidation laws are there to look after all those matters, and if there are

untoward assignments of book debts six months prior to a liquidation and so forth, that can be taken care of.

I refer now to the amendment to the Firearms Act in relation to cross-border purchases. One of the great advantages of all the states having focused on the concept of firearms is that they are now in a position to say, 'All right. If you get a permit in one state you can pick up the firearm in another state'. We will have a notification system that allows the state where the permit was gained to know that has happened. It is certainly important for honourable members who represent electorates on the borders of New South Wales, Victoria and South Australia. I am sure they agree with that.

Mr CAMERON (Bendigo West) — I thank you, Mr Acting Speaker, for the opportunity to make a contribution on the Law and Justice Legislation (Further Amendment) Bill. The bill makes changes to many pieces of legislation. It would normally be called an omnibus bill, save that all the pieces of legislation fall within the one portfolio. Having to canvass so many acts makes the bill a little complicated.

I address my remarks to the proposed changes to the Bail Act, which appear to have be central to this debate. Both the honourable member for Niddrie and the honourable member for Berwick have spent a good deal of time dealing with issues concerning the proposed changes to the Bail Act. On the whole, save for clause 4, there is no controversy and the changes are sensible — for example, there is a new requirement that a bail justice has only the same powers as a magistrate concerning the remand period. Clearly, that has been overlooked on previous occasions.

The practice with bail justices is that once they remand someone he or she is remanded to the next convenient sittings of a Magistrates Court so that a magistrate will then deal with the matter. However, an anomaly has meant that bail has been revoked by either a bail justice or a magistrate. As a result, the person cannot subsequently again obtain bail from a Magistrates Court but has to go to the Supreme Court. Naturally, it is an enormous burden on the legal system to have a matter before the Supreme Court when it could be adequately dealt with in the Magistrates Court.

The change means that when bail has been revoked in the Magistrates Court the person can reapply for bail on the usual grounds, which are that the person has not been legally represented or that there are new facts and circumstances. To bring that provision into line with the normal bail provisions makes a good deal of sense.

The changes concerning sureties are based on commonsense. The new surety arrangements allow for the use of an audio link through new technology. The use of technology in the law has to be welcomed in circumstances such as this where the use does not in any way detract from the purpose but allows for a much smoother administration of justice. In this case it means that a person standing surety will not have to travel about the countryside because, as has previously been the case, the person bailed has been required to attend at a particular court.

Clause 4 appears to be the most contentious provision in the bill. It inserts a new factor in section 4(3) of the Bail Act which requires a court, when considering whether an accused would be an acceptable risk if released on bail, to consider the attitude of the alleged victim of the offence, if the alleged victim chooses to express an attitude to the court. Section 4 of the principal act sets out the nub of the matters to be considered when deciding whether a person should be given bail. As a prima facie rule, someone should obtain bail when he or she is apprehended unless there are reasons to the contrary or other conditions are being imposed. That rule does not always apply because for certain offences there is a reverse onus, which means the accused person has to demonstrate to the court why he should be released on bail rather than the normal onus of the police or the prosecutor demonstrating why a person should not be granted bail.

I make some remarks following the contribution of the honourable member for Berwick and point out that magistrates, not judges, normally deal with bail matters. The Bail Act states that only Supreme Court judges can grant bail in some circumstances and those circumstances involve someone being charged with a most serious crime, such as murder. In the normal course bail is dealt with in the Magistrates Court.

The honourable member for Berwick says that no amount of information is sufficient when dealing with a bail application.

Honourable members interjecting.

Mr CAMERON — The honourable member for Berwick appears confused. If someone is charged with murder and he is granted bail, he is not granted

bail in the Magistrates Court. The matter must be dealt with in the Supreme Court, where the prosecutor is not a policeman, but a representative of the Director of Public Prosecutions. The honourable member for Berwick should realise that prosecutors and police are not necessarily one and the same. It is necessary in some cases to make a distinction between the two.

Dr Dean interjected.

Mr CAMERON — The honourable member for Berwick would have us believe prosecutors and the police are one and the same. They do not do the same thing.

Dr Dean interjected.

The SPEAKER — Order! The honourable member for Berwick may not agree with the remarks of the honourable member for Bendigo West, but he should let the honourable member put his arguments.

Mr CAMERON — The police do not prosecute in the Supreme Court. The honourable member for Berwick said that no amount of information is enough when dealing with a bail application. That is not the case. If that were the case the court would hear the matter there and then. What normally occurs is that a brief summary of the allegations and circumstances of the offence are put and the prosecution may put to whichever court it may be the attitude of the victim. That has always been the case.

The Attorney-General would have the house believe the inclusion of the provision in proposed section 4 is a wonderful new addition which she says is consistent with the government's policy to ensure the impact on victims of crime is considered in the criminal justice system. As I said, that has always been the case. It is nothing new, as the honourable member for Berwick and the Attorney-General would have us believe.

The honourable member for Niddrie is concerned that the provision may cause an increase in the number of victims who are required to attend court. The concern of the honourable member and the opposition in general is that victims should not have to attend court where it can be avoided. The honourable member rightly points out that the proposed new provision has to be watched to see what impact it has on victims of crime. It may mean that the opinions of victims may be taken into account, but they may find themselves giving evidence once too often before a court. The honourable member for Niddrie is on the ball in pointing out this issue.

I turn now to the provisions amending the Equal Opportunity Act. The changes have been sought by the Equal Opportunity Commission and the Anti-Discrimination Tribunal. Although no objection is taken to the change, because the opposition recognises the need to make the tribunal work better, the honourable member for Niddrie has pointed out that the increasing number of exemptions may have to be examined on a case-by-case basis. They should be continually looked at to make sure that the system is working properly.

The changes sought are practical. They intend to let a panel be constituted not by three people, unless the president thinks that is necessary, but by a smaller number, providing that one of the number has legal training. When you consider that a magistrate with legal training deals with many issues on his own, on the face of it this is not a provision that will cause any concern.

The provision concerning conciliation agreements is welcome. Problems have arisen because the tribunal has to enforce conciliation agreements that are lodged with the registrar. There are circumstances where the tribunal would not enforce some agreements, because the terms contained in them would not be appropriate for a tribunal to do so. The new changes are sensible as they pick up the concerns expressed. The president of the tribunal is empowered to determine whether an agreement should not be made. In the event it is not made the matter may be fully pursued and dealt with by the Anti-Discrimination Tribunal.

I make some final remarks about the changes to the firearm legislation. The amendments are practical, especially for people who live along the state border. We have neighbouring jurisdictions with similar arrangements and the changes will mean that people will not find themselves using two systems. A uniform system will mean that people will not have difficulties dealing with one system just because they happen to have driven a couple of miles across the River Murray. The changes will make the system work more sensibly and I trust they will be welcomed by the people living along the border.

Perhaps of greater interest is the exorbitant increase in shooter fees. That matter should be dealt with,

although it can be dealt with by regulation, and I hope the government will look at it. I commend the bill to the house.

Sitting suspended 6.30 p.m. until 8.04 p.m.

Ms McCALL (Frankston) — I shall refer to the provisions of the Law and Justice Legislation (Further Amendment) Bill that relate to the changes to the Equal Opportunity Act. I was sorry I was not a member of Parliament when the Equal Opportunity Act 1995 was introduced, but I am proud to be part of a government that introduced it. The act has been in operation for approximately 20 months. Some of the changes to the Equal Opportunity Act are particularly appropriate for me. I come from a human resources background and I have been particularly keen to see an environment in which that awful expression 'the level playing field' becomes part of our language when speaking about employment opportunities and opportunities in other parts of the world.

I am delighted to be part of a Parliament that recognises that it is important to appoint women to Parliament on the basis of merit and not quota, which is, of course, the best possible example of equal opportunity at work.

Mr Thwaites interjected.

Ms McCALL — In spite of the lacklustre interjection by the honourable member for Albert Park, the amendments to the Equal Opportunity Act referred to in the bill are amply demonstrated. However, a few minor technical amendments were needed. One caused a few of my colleagues some difficulty: they had difficulty grasping the concept that it would be illegal to discriminate on the basis of parental status. In the broadest sense that includes both those who are parents and those who are not. As a result of changes at the federal level the government needed to tighten up the definition in the Equal Opportunity Act to make it clear that those who by choice are childless are just as entitled to be treated equally in all aspects of our working and private lives as are those who chose to have children. I am delighted to support that amendment.

During part of my working life I had some involvement with the Equal Opportunity Commission. The commission was relatively new then and going through a sudden rush of blood to the head because of the large number of complaints; however, those who were working in human resources, in industry and in business were familiar with the terminology. I am delighted to see that the amendments relating to conciliation have been approved and have been incorporated in the bill. It became difficult for many of us working within the equal opportunity structure to decide whether it was appropriate to go to conciliation with the benefit of the information available or to take the matter further; sometimes there was no case to answer and the claim was just a vexatious pursuit of publicity. I am delighted to support those amendments in the bill.

The provision of domestic and personal services is another important aspect of the bill. Those who worked in the consulting field as agency personnel were often approached by people who specified that they would like a cleaning lady as opposed to a cleaning man. Perhaps people did not think the definition went as easily together — I don't know — but the perception was that we were not allowed to discriminate on the basis of gender in the area of domestic or personal services. I am delighted to see that the bill will allow that choice. Members of the community are very conscious of personal safety, particularly as a higher percentage of them now live alone. A person has the right to specify — discriminate, if you like — the individual he or she would like to be responsible for duties around their home. People go to agencies because they think agencies will have the best choice, the ability to do reference checks and the opportunity to find the most appropriate person for the job. They should be at liberty to say they would prefer a male or a female because of the nature of their personal life and circumstances.

I have heard some very good stories about people who have been caught by newspaper advertisements; they have defined such a preference but have got into trouble with the Equal Opportunity Commission. One famous story tells of a man who advertised for a Scottish housekeeper; she had to be female and she had to be able to make kippers, because he was a Scot! He clearly defined that unless she was able to make kippers for his breakfast she was not appropriate as a person to look after his domestic circumstances. That may appear to be a trivial enough example but it was certainly important enough to the Scottish gentleman concerned.

Some of us face with trepidation the option of caring for older members of the community. I am an only child with ageing parents; I am sure they would be extremely annoyed if they thought I considered them to be ageing or less able to care for themselves

at the moment. But the time will come when I will have to consider employing a carer for them, someone to come into the home to look after them. When that time comes I will exercise the right to discriminate on the basis of gender — or on any other basis — when deciding who will be the most appropriate person to care for my parents.

I do not propose talking about any of the other amendments in the bill — my legal friends would be far more capable of arguing the merits of those — except to say that as a member of a minority group on the government benches I considered it appropriate to speak in support of the amendments to the Equal Opportunity Act. I commend the bill to the house and, in particular, the amendments to the Equal Opportunity Act. I again congratulate the Attorney-General on, as always, not being afraid to take a giant leap forward.

Mr HAERMEYER (Yan Yean) — I shall make a brief contribution to the debate. I refer to two provisions in the bill that relate to my shadow portfolio. The Opposition supports the firearms provision in the bill. This is another area where, in rushing through its legislation last year without adequate consultation, the government failed to consult. We now see another unintended consequence of that legislation and, as a result, an amendment before the house. It allows a person who has a duly issued permit from the Chief Commissioner of Police in another state to purchase a firearm in Victoria. As it stands, the arrangements are a bit difficult. The Victorian firearm legislation requires such a person to, firstly, purchase a firearm through a firearms dealer in Victoria and then have it transferred across the border through a firearms dealer in New South Wales or South Australia.

Victoria is the only state with the extensive network of firearm dealerships necessary for that type of transaction to take place. Consequently, despite the fact that a person may have a duly issued permit to purchase a firearm, it makes onerous and bureaucratic the process by which a person from another state might purchase a firearm from someone in Victoria. The legislation provides for such a person to purchase that firearm in Victoria through a Victorian firearms dealer and for that firearm to then be taken across the border to New South Wales. The Victorian firearms dealer would then be able to notify the Victorian firearms registry which would, in turn — —

Mr Jasper interjected.

Mr HAERMEYER — We know you have difficulty with firearms in your electorate and that you have a real difficulty with the firearm lobby. The honourable member's party promised the world to the sporting shooters lobby. It promised its president a seat in Parliament and then sold them out in this place last year.

Mr Jasper interjected.

Mr HAERMEYER — Our policy on firearms, Dear Sir, is not hypocrisy. The opposition's policy has been consistent all the way through. You are the people who promised the shooters the world and then turned on them. You are the people who went out there — —

The SPEAKER — Order! The honourable will address his remarks through the Chair.

Mr Jasper interjected.

The SPEAKER — Order! The honourable member for Murray Valley will cease interjecting. He may not get to make his contribution if he does not do so.

Mr HAERMEYER — Honourable members opposite opposed most of the changes that were proposed in 1987. They campaigned on them. They promised the shooting lobby the world and then last year introduced legislation which, in effect, introduced the same sort of provisions proposed by the Labor government back in 1987 and 1988. No wonder the honourable member for Murray Valley is sensitive on this issue.

Mr Jasper — Community attitudes have changed.

Mr HAERMEYER — Get your hand off it! It is no wonder honourable members opposite are sensitive on this issue.

Mr Jasper interjected.

The SPEAKER — Order! I formally warn the honourable member for Murray Valley to cease interjecting.

Mr HAERMEYER — The shooting lobby is reacting against them, not us. The reason is that National Party members put their arms around them and said 'Mate, we are or your side'. Then it sold them down the drain. The hypocrisy that went on in 1987, 1988 and all the years up to last year is what this is about. That is why the honourable member

for Murray Valley is so sensitive and that is why the Minister for Police and Emergency Services is such a sensitive little petal on this issue, and particularly the honourable member for Shepparton, who has just walked out of the house. The National Party in particular embraced the shooters lobby, promised Ted Drane a seat in Parliament, and then sold the lobby down the drain.

I was supporting this legislation before the rather inane interjection of the honourable member for Murray Valley. This is another example of a provision having to be introduced as a hasty last-minute change to the legislation because the legislation passed last year was not properly discussed. It was rammed through in the normal jackboot way for which this government is renowned. The opposition supports this change because it is commonsense.

The opposition supports the concept of law-abiding firearm owners being able to own firearms in a way that does not jeopardise the safety of the community. The government created a whole lot of snares with its legislation. It created a net that caught a lot of fish it never intended to catch. Had the government bothered to consult it would not have this problem.

I support the provision. I am sure there will be many more, because I know the government has still not addressed other major problems in its firearm legislation. I refer to the way the legislation has adversely affected competitive shooters, and pistol shooters. Of all the people in the shooting sports, pistol shooters have conducted themselves extremely responsibly. The pistol shooting sports have always been highly regulated and very well managed. The pistol shooters themselves approached me in recent months saying the legislation contains a lot of things that affect their sport in a way that was not the case previously.

I do not believe the government intended to affect the pistol shooters in the way it did. However, because it introduced the legislation in a very high-handed, jackboot manner it did not properly consult or take on board the concerns that organisations like the Victorian Amateur Pistol Association have about some parts of the bill.

Also, the government has introduced through the back door an increase in taxes and charges using the new firearm legislation; it has used the opportunity to point the finger at the federal government to say, 'We will abolish concessional rates for shooters who happen to be pensioners'. A number of pensioners who have had to surrender their firearms at police stations because they are not able to legally use and own them have contacted my office. They can no longer afford the fee, which has effectively increased by more than 500 per cent because the concessional rate, the pensioner rate, for a firearm licence no longer exists. It is up to the government to address those sorts of problems.

The bill gives the Country Fire Authority flexibility to provide for a part-time deputy chairman. At present the legislation prohibits the deputy chairman from earning an income external to that associated with his or her position as deputy chairman. That creates a situation where the deputy chairman's position has to be full time. There is certainly justification for the chairman's position to be full time — it should not be shared among other responsibilities. But the authority should have the right to determine that the deputy chairman's position may be held by a part-time person — that is, by a person who may have some other job or responsibilities in addition to the deputy chairmanship.

I have no problem with giving the CFA the flexibility to appoint a part-time deputy chairman if it so wishes. The only caution I add is that such a person should not actually earn a full-time salary with the CFA. We do not want another Mr Atkinson, who earns a full-time salary as a member of Parliament but does not do a full-time job as a member of Parliament. If there is to be a part-time deputy chairman of the CFA that person should be paid a part-time salary. We do not need moonlighters.

This matter is important and there is a role for part-time officials in these types of positions, but we do not want those positions being abused in the way that Mr Atkinson in another place seems to abuse his position as a full-time member of Parliament and a parliamentary secretary — somehow he seems to spend most of his time doing jobs on the side!

I certainly support the firearms and CFA components of the bill, with the proviso that if the CFA is to have a part-time deputy chairman that person should be paid a part-time salary.

Mr JASPER (Murray Valley) — I support the bill. I shall speak particularly on part 8, which contains amendments to the Firearms Act 1996. However, I shall comment firstly on the contribution by the honourable member for Yan Yean. The sanctimonious attitude he expressed disgusts me.

After his performance this afternoon I would have thought he would not have been game to come into the house and suggest he should be able to speak and actually get the call from the Speaker. It would have been better for him to come into the house with an apology not only to you, Mr Speaker, but to all members of this house.

I listened with a great deal of interest to the comments the honourable member made about the Firearms Act. I make clear to the house and to the honourable member for Yan Yean, who criticised the Minister for Police and Emergency Services in particular, that everybody knows of the difficult situation that faced Victoria and indeed Australia following the massacre in Port Arthur. The federal government was looking to introduce stringent firearm legislation right across Australia. It is clear and on the record that the Victorian government supported its current legislation at the time and believed that legislation was most appropriate to Victoria and, indeed, should have been adopted throughout Australia. At the time other states like Tasmania had very little, if any, legislation governing the control of firearms.

It is also on the record that in the June meeting of Australian police ministers the Victorian Minister for Police and Emergency Services strongly supported Victoria's legislation of the time and sought support for it to be adopted and implemented right across Australia. However, that was not acceptable to the other ministers and the Prime Minister. It should be noted that the Labor police minister from New South Wales made it clear that if the Victorian minister had not been present at the time the proposal would have been accepted within an hour. The Victorian minister argued all day on the basis that it should be acceptable. Unfortunately, he was not able to get enough support to have the legislation accepted; indeed, he pushed hard to have amendments made, which have been of assistance to country people in particular and especially to primary producers, who certainly need to use firearms on specific occasions in their farming operations.

I deplore the sanctimonious comments made by the honourable member for Yan Yean and his hypocritical comments, which I believe have very little foundation. I issue a challenge to the honourable member to come to north-eastern Victoria and visit my electorate of Murray Valley. We will be pleased to see him there and to show him how the legislation operates effectively there. Unfortunately, he will not take up that challenge because he knows very little about anything beyond the tram tracks in Melbourne.

I listened with a great deal of interest to the honourable member's comments on the bill. He mentioned a cross-border anomaly. In fact, when I suggested by interjection that he should name some of the people from whom he had received representations on the issue he did not take up that challenge. I do not believe he has received any representations at all. In fact, he would not know how effectively the legislation has been working for dealers on the border between Victoria and New South Wales.

Firearm control is still an emotional issue. It is a big issue for Victorians and one with which we have had to grapple. We have sought to get the best we can for the people we represent, recognising that this is an issue of concern right across Australia. The Prime Minister was not going to bend, but we worked hard and made some progress, although we were not able to achieve acceptance of all the amendments we would have liked.

When the Minister for Police and Emergency Services introduced the Firearms Bill in 1996 he made it clear that the legislation would need a lot of finetuning. The operation of the act has caused a lot of anger and angst. The minister has responded positively to the representations that have been made to him to make the act more effective. This is an emotional issue, and I recognise the difficulties involved in achieving consensus on how the legislation should work.

We have made representations to the minister on a range of issues with the aim of making the act more effective. A lot of the problems have been caused by the previous government's failure to keep appropriate records of registered gun owners and those who are licensed to use firearms. However, the act is starting to work and the minister is responding to the issues we have raised.

One of the major issues we raised concerned the dealers who were operating on the border between Victoria and New South Wales. In May this year Mr and Mrs Simpson, who operate a licensed gun dealership in Cobram, which is in my electorate of Murray Valley, made representations to me on the issue. I will read two or three paragraphs from the letter because it encapsulates the problem they faced, which the bill will address. Mr Simpson says:

> As a licensed gun dealer trading in Cobram I am angry that I can no longer trade across the border into NSW unless it is through another licensed gun dealer in that state ... My nearest licensed gun dealer in New South Wales is Deniliquin, Narrandera or Corowa, which is approximately 1 hour from me, so my area of business has been reduced by 80 per cent as most of my customers are from NSW.

He goes on:

> Example: A person in Barooga New South Wales —

that is just 5 minutes away across the border from Cobram —

> wishing to sell or buy a shotgun to or from the closest dealer, 1 kilometre away, has to by law go to a NSW dealer ... Shooters licences are supposed to be reciprocal for shooting purposes so why not for dealers purchasing or selling to or from private individuals, so long as they have the appropriate permit to acquire? Even if the firearm is unregistered it is coming off the street into the hands of licensed gun dealers which is what I would have thought the government would have what wanted.

He writes about other issues such as the cooling-off period, junior licences and licence fees, which is also being addressed. After I made representations to the Minister for Police and Emergency Services on behalf of Mr and Mrs Simpson I received the following response from him in August. I want to read some paragraphs of the letter into *Hansard*:

> Cross-border purchases of firearms.
>
> Under the new Firearms Act 1996 all acquisitions, mainly buying and selling, of firearms between Victoria and other states must be conducted on a licensed-firearm-dealer to licensed-firearms-dealer basis. In this way firearms exiting or entering Victoria will be through a Victorian licensed firearms dealer who under the Firearms Act 1996 has the checking and recording responsibility and the responsibility to send the records to the Victorian registration database.

Clarifying the database has been one of our greatest problems. The minister's letter continues:

> This is an issue that goes to the integrity of Victoria's system for the registration of firearms ... I am fully aware that these provisions have rankled some Victorian firearms dealers and some people on the NSW side of the Murray who are used to purchasing firearms directly in Victoria because of a scarcity of firearms dealers in that area of NSW.

In the next paragraph he goes on to say:

> I have asked my department to commence officer-level discussions with the NSW and South Australian jurisdictions with a view to a 'notification system' between the firearms registries of Victoria, NSW and South Australia that could underpin arrangements whereby a person with a permit to acquire duly issued in his home jurisdiction, for example NSW, could present that permit to a licensed firearms dealer in another jurisdiction, for example Victoria, and take possession of a firearm directly ...
>
> This is an issue that involves several jurisdictions. Notification arrangements will not be resolved immediately. However, I undertake to inform you of progress towards a practical solution to this situation.

Clauses 41 to 47 in part 8 contain a positive response to the representations that have been made. They recognise the problem faced by firearms dealers along the borders between Victoria and New South Wales and Victoria and South Australia. The changes are welcome. Mr and Mrs Simpson have told me they are pleased at the response from the minister. He has always said that any anomalies in the operation of the firearm legislation either along the border between Victoria and New South Wales or within the state of Victoria will be addressed.

Members of the National Party have gone further. We have undertaken to get information on the legislation from our electors. The honourable member for Shepparton has toured many National Party-held electorates seeking information from firearms owners and others who have concerns about the act. Anomalies that need to be addressed include the large number of pages firearms owners have to fill in when registering and licensing firearms. The minister has said the number of pages will be reduced. Other issues include junior permits and making it easier for members of gun and rifle clubs to carry on their sport.

The house needs to recognise that this is still a big issue for country people, because they believe they still have a right to own firearms. Many country people, including primary producers, sporting shooters, and others whose occupations require them to use firearms, are now aware of the new requirements governing the types of firearms they can buy.

I am pleased to see that the Minister for Police and Emergency Services has entered the chamber. I give him credit, because he has been under enormous pressure. He has worked hard right from the outset to get a better result for Victoria, but he has been thwarted all the way, going back to early last year following the massacre at Port Arthur. Over the past 12 months in particular he has worked hard to refine the legislation.

The amendments in part 8 deal with one of the major issues. The bill will go a long way towards addressing the complaints made to me by firearms dealers living along the borders between Victoria and New South Wales and Victoria and South Australia. I trust the legislation will be enacted quickly so that those people can be assisted.

Mr MAUGHAN (Rodney) — I will make a brief contribution in support of the bill and of part 8 in particular, which refers to the Firearms Act. I support the remarks made by my colleague the honourable member for Murray Valley, because I represent electors with similar problems to those he outlined. Up to 50 per cent of the trade of some gun dealers in my electorate is interstate trade. They have problems in trading with gun dealers in Deniliquin, where they face all sorts of delays and anomalies.

I welcome the proposed legislation, which will clean up that anomaly and help gun dealers in places like Echuca and Cohuna in my electorate. Kevin Telley, who is a gun dealer in Echuca, Neil Hein, from Hein Fishing and Shooting and 6 X Shooting Supplies in Cohuna, and all the other gun dealers in the area conduct significant business in New South Wales. The current anomaly has made an enormous difference to their business. I thank the Minister for Police and Emergency Services for attending to this matter and responding to the representations made to him on this particular issue by the honourable member for Murray Valley and me and other country members along the border.

I pay tribute also to the honourable member for Shepparton who heads the National Party firearms taskforce, which has conducted hearings right around Victoria to hear the concerns of firearms owners about some of the anomalies in this so-called national legislation. A number of anomalies have been highlighted in representations made to that task force. In my office in Echuca we have had a large number of representations from very responsible members of the community who happen to be firearms owners or in some cases simply cartridge collectors. They have also expressed legitimate concerns to the firearms task force. I hope in due course most of those anomalies will be removed when the representations have been attended to and the report is made to the minister.

I commend the minister for introducing this omnibus legislation. Although it deals with a whole range of issues, I will confine my remarks to the amendments to the Firearms Act. As I said, my constituents will welcome the bill because it tidies up some of the anomalies that have been discovered. I welcome the bill and wish it a speedy passage.

Mr KILGOUR (Shepparton) — I support the bill. Along with my colleagues the honourable members for Murray Valley and Rodney I particularly support part 8, which amends the Firearms Act. I am pleased to see the Minister for Police and Emergency Services in the house tonight. I want to pay tribute to him for being ready to listen to the concerns I brought to him following my involvement in the firearms task force, which travelled around country Victoria.

Two major issues emerged immediately. At the first set of meetings we held it was clear that the major concern of shooters was the 14 pages they had to deal with to apply to become a licensed shooter. Already the Minister for Police and Emergency Services has acted on that and a new application form will be introduced.

I was also very pleased that the minister was prepared to accept that the legislation was hurting small business right along the border between Victoria and New South Wales. As the honourable member for Rodney said, we are supposed to have national firearm legislation, but it is clear that that is not what we have. I have already spoken to the minister about the possibility of putting together a working party of representatives from New South Wales, Victoria and South Australia to consider all the anomalies. Not only are the retail firearm dealers concerned about the legislation; it is not helpful when computers in Victoria do not recognise people with addresses in New South Wales who actually belong to Victorian shooting clubs.

For example, the Swan Hill Clay Target Club has its field and game range across the river in New South Wales. I was able to direct the attention of the minister to this added border problem very early on. Some firearms dealers along the border are losing up to 55 or 60 per cent of their business, which had previously come from interstate. When the

legislation was brought in, it was expected that those retailers could sell firearms to people interstate only if they sold them through other dealers, who could have been a couple of hundred kilometres away. Now a firearms dealer in towns on the Victorian side of the border, such as Echuca, Swan Hill, Mildura, Wodonga or Cobram, will be able to recognise an application for a permit to purchase a firearm as being from somebody from interstate. They will then be able to make the arrangement to sell that person a firearm.

I appreciate the swift action of the Minister for Police and Emergency Services in ensuring that the bill has been introduced in the spring session. I know the small business people who run firearms businesses along the border and to whom I have spoken at our meetings at Wodonga, Wangaratta, Echuca, Shepparton, Swan Hill and Mildura will be most appreciative that the minister has listened and made arrangements to have the legislation dealt with this session.

As I said, I support the bill as a whole, but I am particularly pleased to see part 8, which amends the Firearms Act, and I look forward to seeing our Victorian small business firearms dealers on the border being able to sell interstate.

The SPEAKER — Is the Minister for Police and Emergency Services closing the debate?

Mr W. D. McGRATH (Minister for Police and Emergency Services) — No, just a comment.

The SPEAKER — Order! Giving thanks for all the bouquets he has been showered with this evening.

Mr W. D. McGRATH — I do not want this to sound like a mutual admiration society.

Mr Hulls — It is not.

Mr W. D. McGRATH — No, it is not. I thank the Attorney-General for facilitating the two amendments from my part of the justice portfolio, the first relating to providing for a deputy chairman of the Country Fire Authority. You, Mr Speaker, are well aware of the importance of the work of the Country Fire Authority. The proposed amendment will allow the Country Fire Authority to appoint either a full-time or a part-time deputy chairman. This flexibility will give the CFA the opportunity of facilitating the appointment of someone with business acumen and strategic and policy skills, in line with modern management practices.

The second amendment that my colleagues have been referring to will allow someone from interstate, particularly South Australia or New South Wales, to get a permit to purchase a firearm in his own jurisdiction and come into Victoria and purchase it from a gun dealer on the Victorian side of the border. This will be of benefit to our gun dealers and to those over the border who will be able to use the permit to have their transactions facilitated.

The act was not in line with uniform national legislation. The amendment seeks to implement a joint approach to controlling the cross-border purchase of firearms by recognising the permits to acquire firearms issued by other jurisdictions participating in the mutual notification arrangements. The participating jurisdictions will be prescribed by regulation. However, under notification arrangements the jurisdiction in which the cross-border sale is made would be required to report the sale to the jurisdiction which originally issued the permit, thus maintaining the integrity of the registration system in the participating jurisdictions. It is very important that the integrity of the registration system of each jurisdiction is kept as pure as it possibly can be, because it is one of the cornerstones of the national scheme. It gives proper balance to national uniformity, which at the end of the day is important. I thank the Attorney-General for facilitating the two amendments on my behalf.

Ms GILLETT (Werribee) — It gives me pleasure to contribute to the debate on the Law and Justice Legislation (Further Amendment) Bill. I will confine my comments to my service as a member of the parliamentary Scrutiny of Acts and Regulations Committee, which meets each week or two to consider the structure of each piece of legislation that comes before the house. It examines whether, according to the criteria, the legislation fundamentally imposes on or restricts the rights and freedoms of individuals, particularly in relation to section 85 of the Constitution Act.

When this bill came before the committee this week, it was obvious to members of the committee that they were dealing with yet another piece of legislation that was not what it presented itself to be. The title and structure of the bill show it to be an omnibus bill as it amends 11 pieces of legislation. To say they are related would be to draw a long bow. The bill seeks to significantly amend the Bail Act. It also amends the Consumer Credit (Victoria) Act, the Country Fire Authority Act, the Credit (Administration) Act, the Credit Act, the Equal Opportunity Act, the Instruments Act and the

Firearms Act. The amendments to the Firearms Act have created enormous consternation in the community.

If the government wants to introduce legislation that is simple, user friendly and open to being understood by those whom it restricts or regulates, it is Parliament's responsibility to ensure that the legislation is easy to access so that people know what they have to comply with. The bill does not do that for Victorians. The proposed legislation also amends the Interpretation of Legislation Act, the Magistrates' Court Act and the Supreme Court Act. We are talking about good governance.

Mr Maclellan interjected.

The SPEAKER — Order! I am sure the honourable member for Werribee will indicate her intention without assistance from the Minister for Planning and Local Government.

Ms GILLETT — The minister should have listened.

Mr Maclellan interjected.

The SPEAKER — Order! The minister may have to be patient.

Ms GILLETT — I suggest that the minister listens to my comments about my constituents' feelings about the proposal to put a toxic dump in Werribee.

Mr Hulls interjected.

Ms GILLETT — And in Niddrie! There were 14 000 signatures on that petition. Although I support this bill, I am observing, criticising and analysing it. I suggest that the Attorney-General has got something wrong. She has called the bill something it is not! The Attorney-General should have given it a name so that we can all understand it better. Perhaps if the Attorney-General had made the legislation clearer, those affected would understand what she is trying to do.

My point is that the legislation is not clear. The title does not reflect what the bill seeks to do. The bill is called an omnibus bill, but that stretches the imagination. It contains amendments to 11 acts, many of which are unrelated. They have been cobbled together in a piecemeal fashion. It looks unprofessional, tardy, hasty, inefficient, inept, tawdry, lazy, sloppy and inefficient! It is just not good enough!

I reaffirm that there are issue of substance in the bill that are worth supporting, but the measure fails to deliver something that is absolutely critical for legislation — that is, that it is understandable.

Mr Hamilton — For anybody other than a lawyer!

Ms GILLETT — With the greatest respect for the lawyers in the house, my colleague is correct! The legislation should be able to be understood by the people it seeks to provide for. It is necessary to ensure that legislation is easily identified by the people who are looking for it and that they are able to understand it. The bill does not satisfy that test. SARC recognised that it was another piece of legislation that should not be called an omnibus bill. It is sloppy legislation that will create ongoing problems.

Mrs WADE (Attorney-General) — We have had, as is usual with legal bills, a number of interesting comments from a range of different speakers. I regret I was not able to be here during the whole of the debate. I was called to the swearing in of a new judge at Government House, which took priority.

Mr Hulls interjected.

Mrs WADE — This evening Justice Peter Buchanan is being sworn in at Government House as a judge of the Court of Appeal.

I shall respond to the honourable member for Werribee, who raised interesting issues about bills of this type. She described this bill, which amends 11 different pieces of legislation, as being cobbled together, tardy, hasty, inefficient, tawdry, lazy and ineffective — and possibly, sloppy.

Many years ago, when I was a younger person and was parliamentary counsel, I would probably have recommended against a bill of this type. I would have said, 'There is a matter of principle here: a single act should be amended by a separate bill'. In those days the government probably would have taken notice of what I had to say. Times have changed, as have my views on legislation. I now look at bills much less as a lawyer and more as a person who is concerned to ensure our laws work to the best advantage of the community. As a minister I come across in any one year a large number of requests for legislation which could be described as being of a housekeeping nature. Much of the legislation in this bill is just that.

Ms Kosky interjected.

Mrs WADE — One would never intend to do any housekeeping in a house such as this.

The SPEAKER — Order! The Attorney-General should address the Chair.

Mrs WADE — I definitely do not do any housekeeping in this house! One obviously keeps one's housekeeping skills for elsewhere. I have responsibility not only for the central administration of the Department of Justice but also for a large number of statutory authorities and tribunals. Those authorities and tribunals, and people within my department, from time to time point out to me that legislation may not be working as effectively as it should. They suggest amendments of a technical nature. The majority of the amendments in this bill fall into that category. I have read the report of the Scrutiny of Acts and Regulations Committee. I recall it did not report against this bill, although I am prepared to agree with the honourable member for Werribee in that the committee may not have considered that aspect.

The government has a large legislative program. I like to get as many bills as possible into Parliament during any one session to ensure our legal system is working as effectively as possible. My chances of having the house pass each of the amendments to the 11 acts in separate bills would be extremely slim.

I have therefore taken the view that it is better to combine the amendments into one bill rather than endeavouring to deal with each separately. On balance, that action is in the best interests of Victorians. I endeavour to ensure that the amendments that go into omnibus bills are basically of a technical nature although one must say, when examining this bill, that some amendments are more technical than others — for example, significant changes are made to the Bail Act. I suggest the amendments to the credit acts are technical. The amendments to the Equal Opportunity Act have been introduced at the suggestion of the Equal Opportunity Commission or the Anti-Discrimination Tribunal, and have not been raised by the political arm of government.

The amendments to the Firearms Act and the Country Fire Authority Act have already been referred to by the minister responsible for those portfolios. The amendments to the Instruments Act go beyond being described as technical in that they change the law relating to the assignment or transfer of book debts, but they respond to a number of expert committee reports that say the existing provisions are ineffectual and inconsistent with provisions in other states. Therefore, that act needs to be changed.

The amendment to the Magistrates' Court Act brings Victoria's legislation into line with the commonwealth Bankruptcy Act and ensures that cars seized by the Sheriff are regarded as having similar values in both jurisdictions. This amendment goes slightly beyond being technical but falls into the category of an amendment which is in the best interests of the people who may be affected by it.

On balance, and in answer to the issues raised by the honourable member for Werribee, I suggest that although the honourable member may not be entirely happy with the title of the bill, the advantages of handling bills of this type far outweigh the disadvantages. However, in future it may be preferable that, rather than calling similar legislation a 'further amendment' bill, I use the term 'miscellaneous amendments'. I will take that into consideration.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CRIMES (AMENDMENT) BILL

Second reading

Debate resumed from 9 October; motion of Mrs WADE (Attorney-General).

The SPEAKER — Order! I am of the opinion that the second and third readings of this bill need to be passed by an absolute majority.

Mr HULLS (Niddrie) — This is an important bill. One could say it is a complicated piece of legislation that makes a number of important amendments to the Crimes Act. The former Labor government, as opposed to this Liberal and National government, had a real commitment to ensuring victims of crime were not treated before the law as second-class citizens. In fact, the former Labor government got right not only the rhetoric but also the policy settings.

This government does not have its policy settings right in relation to victims of crime because of something I referred to earlier today — that is, the

obscene legislation introduced by the Attorney-General and passed by this government, but strongly opposed by the opposition, which took away compensation for the pain and suffering of victims of crime. If the Attorney-General, the chief law officer of this state, is remembered for nothing else it will be that she shepherded through this house legislation that took away compensation for the pain and suffering of victims of crime.

There may be one other thing that she will be remembered for: in the next few months she will be party to the introduction of the workers compensation legislation that will take away common-law rights for workers. We will debate on another day.

Even the Attorney-General has made it clear that in her view the previous Labor government did some good work in the area of victims' rights. In her second-reading speech she referred to the significant amendments that were made to the Crimes Act in 1991 by way of the Crimes (Rape) Act, which came into effect on 1 January 1992. That legislation, which was read a second time on 22 November 1991, made innovative changes in relation to victims and alleged victims as well as changes to the Evidence Act.

In his second-reading speech on 26 November 1991 the then Attorney-General, the Honourable Jim Kennan, made a number of comments about the directions that judges could give to juries concerning victims of crime. He is reported at page 1999 of *Hansard* as stating:

> To reduce the effects of such misconceptions in the criminal justice system, section 37 of the proposed new subdivision (8) requires a judge to direct a jury not to presume that a person freely consented just because she or he did not protest or physically resist or did not sustain physical injury.
>
> The bill retains the requirement that, to be guilty of rape or indecent assault, a person must have known that the other person was not consenting to a sexual act or was aware that the other person might not be consenting. A person who makes an honest mistake, even unreasonably, does not commit either offence.

He then went on to talk about the availability of alternative arrangements to witnesses in sexual offence cases so far as giving evidence is concerned, and provision was made in that landmark legislation to have people give evidence by way of closed circuit television. He then talked about the major substantive reform to the act in 1991 which he said was:

> ... to extend the current restrictions on cross-examination as to sexual history. To prevent unwarranted attacks on the reputation of complainants, the Evidence Act provides that the approval of the judge is required before a complainant can be cross-examined or other evidence led about the complainant's sexual relations with people other than the accused.
>
> If the evidence is demonstrably relevant, it will be admissible; if not, it will be excluded. The provision will reduce the opportunity for accused people to besmirch the character of complainants without undermining their right to have all pertinent facts considered by the jury.

That was landmark legislation at the time because there had been a propensity for people, lawyers in particular, who were involved in matters relating to victims of sexual offences to simply ask questions about a person's prior sexual history that were of no relevance to the matter before the court. As the then Attorney-General said, it was a deliberate endeavour to besmirch the character of the victim or alleged victim. Those questions were asked for no other reason than to denigrate the victim.

As a result the Crimes (Rape) Bill was introduced to make it clear that that had to stop and that such questions could be asked only at the judges's discretion and when there was a good reason relating to the facts and circumstances of the case. When that legislation was enacted the former Labor government committed substantial resources — appropriately I am sure everybody would agree — and a detailed analysis and evaluation of the reforms to the procedural and evidentiary rules governing court proceedings relating to sexual offences was made.

Funding was also allocated to provide professional education and training for the legal and community sectors on sexual assault and the law. The purpose was to ensure that the spirit of the innovative legislation referred to by the former Attorney-General in his second-reading speech was adhered to. It was all right to introduce legislation to protect victims, but if that legislation or its spirit was not being adhered to, we as a community had to know about that. That is why the previous Labor government committed resources to ensuring that the evaluation was done in relation to the legislation.

Further to that, the previous Labor government realised that it was not good enough to have just an evaluation of the legislation. It also needed to embark on an educative and training program to ensure that the judiciary, the legal fraternity and people in the wider community understood the rhyme and reason of the legislation and what the spirit of the legislation was all about. One can introduce all the legislation one likes, but unless the people at the coalface fully understand its meaning and context, obviously it will have little or no effect.

Funding was provided to ensure that such training and professional education could take place. As a result a number of evaluation reports were produced. The first evaluation report of the sexual assault project was on the police code of practice for sexual assault cases.

It is absolutely essential that the police, who are certainly at the coalface when it comes to victims and sexual assault matters, be educated, so an analysis was undertaken of the police code of practice and how that was working in relation to these particular sexual assault matters and sexual victims. That analysis led to a number of startling findings about the police. Without being too harsh, it said there was a lack of understanding by the police of certain aspects of sexual assault matters. At page 99 of the report the following appears:

> Police attitudes towards victims/survivors need to be assessed in the light of the following issues: based on the level of unreported sexual assaults, the overall level of disbelief expressed by investigating members is of major concern.

That should be of major concern not only to the police force but also to the community generally. The police have a difficult job to perform. I notice that the honourable members for Narracan and Cranbourne were former police officers. I am sure they will agree that police have a very difficult job. They would have been startled by the revelations in the report that showed that there was a substantial overall level of disbelief expressed by investigating officers when women made complaints that they had been sexually assaulted. The evaluation report made it clear that that had to be addressed as a matter of concern. The report goes on at page 100 to state:

> In at least some cases, police members express disbelief in victim/survivors at the crisis care stage; that is, at a time when the code makes it clear that there should be a presumption that the victim be believed; some members were making an assessment about the validity of the complaint without first having conducted a thorough investigation of the allegations. There was evidence of this practice provided by eight police members who were concerned about the disbelieving attitude of the detectives prior to having any contact with the victim/survivor at all ...

The report refers to a number of other fairly startling findings.

I foreshadow a reasoned amendment that will go to a number of issues, including the necessity to set up mechanisms to continue the evaluation of not just the previous legislation, the Crimes (Rape) Act, but also the legislation we are now debating. Unless there is constant monitoring of the legislation and of whether the rights of victims are being violated, we will see a violation of those rights. It is absolutely essential that we continue to monitor the situation of victims and, if need be, continue to produce evaluation reports that tell the true story. Whether we like the true story is another thing, but as a community we should be apprised of whether the spirit of legislation introduced and passed by the Parliament is being adhered to. We should certainly be apprised of the situation if the rights of victims are being ignored.

The second evaluation report, prepared by the Rape Evaluation Advisory Committee and commonly known as the REAC report, looked at the Crimes (Rape) Act 1991 and other associated procedural reforms and dealt with the processing of rape cases through our criminal justice system.

As the Attorney-General mentioned in her second-reading speech, there are also two Parliamentary committee reports, entitled *Child Sexual Assault — an integrated model* and *Combating sexual assault against adult men and women.*

The REAC report made some 37 recommendations, which are summarised in chapter 12. Some of the recommendations have been picked up by the Attorney-General and included in the proposed legislation. As has been my wont over the past few weeks with legislation introduced by Attorney-General, I again congratulate her — this time for picking up the recommendations of the REAC report. But that does not mean it is all bouquets; a few brickbats will follow in due course.

The Attorney-General often gets things only partly right. Those parts of the REAC report she has seen fit to enshrine in legislation are welcome. I have no

hesitation in congratulating her on that. Recommendation 2 in chapter 12 of the REAC report says:

> Where a victim has indicated a preference for giving evidence using one of the alternative means, prosecutors should make the application.

That is a sensible recommendation, which the Attorney-General has incorporated in the proposed legislation. It is sensible because nobody in this house, unless he or she has been a victim of a crime, can fully understand the trauma that victims suffer when they have to appear before a court to explain their stories and to confront the alleged perpetrators of the crimes. It must be a horrifying experience, and society should do anything it can to ease their pain. If that means allowing a victim to give evidence by means other than having to appear personally in court and facing a perpetrator, the technology is available to enable that to occur. I congratulate the Attorney-General on incorporating that sensible recommendation in the bill. Recommendation 3 of the REAC report states:

> Counsel and the judiciary should consider a far broader application of the use of alternative arrangements for *all* complainants in sexual assault cases, such as allowing for combinations of the arrangements to be made available (e.g. support person and screens).

That recommendation also has been substantially included in the proposed legislation. Recommendation 4 of the REAC report states:

> Magistrates should be encouraged to grant leave for CCTV —

that is, closed-circuit television —

> to be used unless there are exceptional circumstances that require the complainant to give evidence in the witness box.

That sensible recommendation, which has also been picked up, will ease the pain for victims. Recommendation 5 of the REAC report states:

> Judges should review their methods for determining whether CCTV ought to be used. Rather than judges questioning adult complainants about why they want to use CCTV in the presence of the accused, the closed-circuit facility should be used. Alternatively, the prosecutor could provide evidence from the bar table regarding the complainant's preference for using CCTV, and the difficulties or trauma that would be associated with being in such close proximity to the accused.

Recommendation 12, which I will speak to at some length, deals with sexual history evidence, which is a matter to which the reasoned amendment will refer. Recommendation 12 states:

> Counsel should make a written application to question a complainant about his/her sexual history before the proceedings commence. The application should include how the material is said to be 'substantially relevant' to the issues in the case. Magistrates' and judges' reasons for allowing or disallowing the evidence should also continue to be part of the court record.
>
> An application to question a witness in relation to his/her sexual history during the committal proceeding should be submitted in writing at the committal mention. For trial proceedings, written applications should be made at the pretrial hearing or considered during a voir dire before the jury is empanelled.

That is a sensible recommendation which goes to a matter I referred to earlier — that is, that from time to time in the past there has been a propensity for counsel and prosecutors to ask a sexual assault victim about his or her prior sexual history, without giving any real reason and without it having any real relevance to the case.

I recall being in North Queensland for a matter and having a conversation with a magistrate — who at this stage will remain nameless — about committal proceedings in sexual assault matters. He made the comment — it may have been a typical sexist male off-the-cuff comment — that he got a bit of a thrill from hearing the evidence elicited during committal proceedings for sexual assault matters. He made the comment over a few beers after court, but it was absolutely obscene.

That makes it clear that not just in Victoria but throughout Australia a lot of education needs to be given to the people involved, generally magistrates and the judiciary, to help them understand the trauma that victims go through when they have to give evidence in court proceedings. That is why it is absolutely essential that recommendation 12 of the REAC report be taken on board — which, again to her credit, the Attorney-General has done.

The proposed legislation makes it clear that a person's sexual history is not relevant in normal circumstances, that only when it is relevant can a person be asked about his or her prior sexual

history, and that that can now be done only by giving appropriate written notice.

No doubt the Attorney-General found that the old section 37 had actually been observed more in the breach than in the observance, and that is why this written notice is now required. It still has to be monitored to ensure that the spirit of the legislation is adhered to. Recommendation 31 of the REAC report deals with the definitions and judges directions. It states:

> In directing the jury in relation to the new definition of consent, judges should only relate those vitiating circumstances that are relevant to the details of the alleged offence.

That is also dealt with in the legislation. Recommendation 34 states:

> Judges should deliver the delay warning in a way that makes sense in the circumstances of the case, and refrain from making comments that maintain the assumption that immediate reporting is more consistent with a genuine report of rape.

That recommendation is included because in the past if a victim of sexual assault for whatever reason — and there were often many good reasons — did not make a complaint at the first available opportunity the judge and the lawyer acting for the defendant were making comments that that failure to report at the earliest available opportunity meant that she — in most cases it was a woman — had asked for it. That is a totally inappropriate way of looking at victims. The recommendation makes it clear that judges should deliver the delay warning in a way that makes sense in the circumstances of the case. Recommendation 35 states:

> The legislature should consider re-wording the delay warning.

Recommendation 36 states:

> There should be legislative intervention to remedy the current position in relation to corroboration warnings in sexual assault cases. An amendment to section 61 of the Crimes Act 1958 is urgently required to make it clear that judges must not comment on the reliability of complainants' evidence on the basis of features which are common to the majority of sexual assaults, such as a delay in complaint, or an absence of forensic and other corroborating evidence.

Most of those recommendations have been taken on board, but there is still a lot to be done. There are certain recommendations that perhaps cannot be addressed specifically by this legislation. Recommendation 13 states:

> The research findings relating to the operation of section 37A of the Evidence Act 1958 should be read and considered by the education committees of the Magistrates Court and the County Court. These committees should, in an appropriate forum, make the findings known to the members of their benches. Any training arising from consideration of these findings, should incorporate components on:
>
> > the scope of section 37A:
> >
> > the means for determining whether the material has substantial relevance to the facts in issue; and
> >
> > effective means for intervening on the basis of section 37A.

Education is essential, and I will refer to that later. It is essential that appropriate education programs be put in place to ensure that the spirit of the legislation is adhered to.

Recommendation 28 is not addressed by the legislation and the Attorney-General might want to comment on that at some later stage. The recommendation states:

> The institute should give priority to recruiting female doctors to the service, to ensure that a victim/ survivor can choose the sex of his/her examining FMO.

I have been advised in consultations that unfortunately all victims do not have a choice in relation to their examining medical officer. That is something that needs to be monitored and rectified.

The other thing which is not dealt with in the legislation but which needs to be dealt with urgently, and it is a subject I have raised with the Attorney-General previously in correspondence, is the growing propensity to subpoena the counselling file notes of victims. It is a totally inappropriate practice that makes file notes non-confidential and makes them available to be produced in open court.

One has to ask why victims would seek counselling services as a result of trauma incurred through sexual assaults or confide in a counsellor to assist in rehabilitation if they knew there was every chance that anything they said to their counsellors would not be private and any notes the counsellors made could be subpoenaed and produced in open court.

There is a growing trend toward this practice and it has to be stopped. That can be done simply by invoking the same sort of legislation that has either been passed or is about to be passed in New South Wales. It would require only a slight amendment to the Evidence Act and I cannot see why there is such a delay in stopping the practice. I urge the Attorney-General to take that matter on board and to move with haste. If she is fair dinkum about protecting those victims' files she will support the opposition's reasoned amendment, which refers to that particular matter.

Although part of the legislation is welcomed the government will always be playing catch-up football when it comes to victims' rights due to the big axe it wielded in abolishing compensation for pain and suffering. I keep referring to that because that is what victims want reinstated. The Attorney-General needs only to speak to victim support networks, to centres against sexual assault and people who are victims to be told that although what she is doing is basically welcome it does not go far enough. The government has wielded the big axe to compensation for pain and suffering for victims of crime, and if she is fair dinkum about support of victims she will ensure that that compensation is reinstated.

One need only look at the government's policy prior to the last election. A policy document entitled 'A Safer Victoria' was authorised by P. Poggioli, whom I assume is the same P. Poggioli who believes that members of the Liberal Party should keep secret files on potential Labor candidates. At page 15 the policy states in relation to victims:

> In a second term in office the government will:
>
> > Improve victim assistance services through reform of the restitution and crimes compensation legislation. Measures will be introduced to maximise the potential for a victim's recovery from the psychological and physical affects of a violent offence.

It is a very interesting policy. I cannot see where it says, 'Vote for us and we will take away compensation for pain and suffering for victims of crime.' It says they will improve victim assistance services and measures will be introduced to maximise the potential for a victim's recovery. How the hell does one maximise potential for a victim's recovery if one takes away compensation for pain and suffering?

It is absolute nonsense to be on the one hand running around saying, 'We have a policy that looks after victims', and on the other hand kicking victims in the guts by taking away their compensation for pain and suffering. It is hypocrisy of the most gross kind and all members of the coalition will be condemned for that dastardly piece of legislation. It gets worse. All honourable members will remember the Premier's views on victims.

This all goes to point out to the Victorian community that the government can spout all the rhetoric it likes about looking after victims, but the reality is that it got rid of compensation for the pain and suffering of victims. The Premier said compensation for pain and suffering had to go. On 14 November 1994 he was interviewed by Neil Mitchell, and the interview had us all squirming in our seats. He said:

> And what we've decided is that the state's role is to distribute public money for medical treatment, for psychological treatment, et cetera. I do not believe it is right that we give compensation to enable people to help their daughter or son with a financial problem. I do not think it is appropriate that we give money — the public's money to go out and buy a red coat. I do not believe it is right that we give public monies to them and have people go on a holiday.

That shows the Premier's attitude to victims. No doubt he has the same attitude to workers, because he is taking away their rights to compensation as well. That sums up the bloke's attitude to vulnerable members of the community. However, it gets worse. He went on to say:

> I heard coming down to the station this morning — one lady had wanted a red coat all her life so the public bought her a red coat. The public gave her money for a crime, a tragic crime that she was a victim of, to assist her daughter with a financial problem. Now, that is not what the public's money is all about.

What the hell was he talking about? Was he saying that as Premier he ought to decide how people spend any compensation they get? That is what he seemed to be saying in his interview with Neil Mitchell. We are talking about vulnerable victims of crime, yet the Premier says, 'How dare they go out and spend their money on red coats or holidays!'.

Does he not think compensation can aid the rehabilitation of a victim by enabling him or her to get away from the scene of the crime by travelling to country Victoria or going interstate? Of course that helps. When it comes to compensation for victims of

crime or injured workers, it all boils down to the Premier saying, 'You are not entitled to it, and if you are I will tell you how to spend it. I'm in a better position to know than you are'.

Although members of the opposition welcome and support those aspects of the bill that take up the recommendations in the report, we have real concerns about some of the evidentiary aspects. The subpoenaing of victims' files, which I dealt with earlier, ought to be dealt with in the bill. There should be appropriate consultation with the relevant parties on the enormous increase in police powers. The bill should contain proper mechanisms to ensure that its impact on the court experiences of victims is monitored and that the results are reported annually to Parliament, because we believe that only then can we be sure that the spirit of the legislation is being adhered to.

We also believe the lack of a definition of 'substantial relevance' in relation to prior sexual history is inappropriate. It is all very well to talk about being able to question a person about his or her prior sexual history only if it is substantially relevant to the case, but that is not defined — and we say it ought to be.

Prior to the debate I approached the Attorney-General about two specific aspects of the reasoned amendment I am about to move — the monitoring of the spirit of the legislation and also definition of substantial relevance. The impression I have, although no doubt she will speak for herself — or someone will speak for her, as is usually the case — is that she will say they are a touch too hard for her. In any event, at this stage I will now move the reasoned amendment standing in my name. I move:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this bill be withdrawn and redrafted to — (a) enable the house to separately consider — (i) division 1 of part 2 of the bill; and (ii) the clauses dealing with the new forensic sample regime in part 4; and (b) include proper mechanisms to annually monitor and report to Parliament the impact of the bill on a victim's court experience; (c) include definition of 'substantial relevance' in relation to prior sexual history; (d) allow for initiatives to preclude the serving of a subpoena for victim's counselling notes and files; and (e) allow appropriate consultation procedures on the impact of people's rights as a result of increasing police powers.

Before dealing with the specific concerns referred to in the reasoned amendment, I make the point that the opposition welcomes and wholeheartedly supports the amendment to section 47A of the Crimes Act, which states:

> A person who maintains a sexual relationship with a child under the age of 16 to whom he or she is not married and who is under his or her care, supervision or authority is guilty of an indictable offence.

The amendment makes it clear that it is not necessary that the alleged acts be of a similar nature or constitute an offence under the same provision, and it is not necessary to prove an act referred to in subsection 2(a) or (b) with the same degree of specificity as to date, time, place, circumstances or occasions as would be required if the accused were charged with an offence constituted by the act instead of an offence against subsection (1).

It purports to make it clear that the person against whom it is alleged the offence took place does not have to be a person who is under the care, supervision or authority of the alleged offender, so it broadens the net. The opposition certainly supports the amendment.

Nonetheless we have some concerns with the bill, and in the main those concerns are set out in the reasoned amendment. For example, section 372(3) of the Crimes Act says:

> Where before trial or at any stage of a trial the court is of the opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same presentment or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in the presentment the court may order a separate trial of any count or counts of such presentment.

That has been the law for some time. It is extremely important because it says that if joining trials will prejudice a person, it is inappropriate that such trials be joined. That goes to the nature of the criminal justice system and the criminal law: if any procedure is likely to prejudice the interests of a person who is on trial, ways have to be found to circumvent that prejudice. In her second-reading speech the Attorney-General says:

> Currently where two or more sexual offences are alleged against a person, the cases will be heard separately if evidence on one charge is inadmissible in

> relation to the other, despite the fact that the charges are otherwise properly joined.

That is a fair summation of the current law. She goes on to say:

> The new provision addresses this by inserting a presumption that such matters will be heard together. While the court retains the discretion to order separate trials in an appropriate case, the presumption will not be rebutted merely on the basis of the inadmissibility of evidence on one charge in relation to another.

The provision changes the whole focus of the presumption and, indeed, changes the whole focus of whether trials ought to be joined.

Reluctantly, I acknowledge that I have no doubt that the amendment will result in a number of miscarriages of justice. It allows what I describe as de facto inadmissible corroboration to be led during trials of sexual cases. I understand there is a fine balance between the rights of an accused and the rights of the victim, and overarching that is the need to ensure that the trial process is conducted fairly. The matter was considered by the High Court in the case of *Jonathan Neil Hoch* (1988) 35 Australian Criminal Reports at page 37. The headnote of that case says a number of things. On page 47 of the High Court report Justices Brennan and Dawson state:

> It does not necessarily follow that because defendants are properly joined in the one indictment pursuant to provisions like the Criminal Code, section 567(2), that the trial on each count should not be severed from the others. If the evidence admissible on each count is not admissible on the other counts and there is a consequent risk of impermissible prejudice to an accused in the conduct of a single trial on all counts — and there usually is a risk in sexual cases — separate trials should be ordered.

That is what *Hoch*'s case is all about: there is a real risk of prejudice, particularly in sexual cases, where impermissible prejudice to the accused will result if trials are joined, and that is why in the past it has been ordered that separate trials be held on such matters.

The proposed legislation is designed by the Attorney-General to lift the conviction rate in sexual offence matters. She aims to do that by allowing evidence to be deduced that was previously considered to be impermissible. It may be considered a technical argument — to some extent the law is about technicalities — but it is an important point to make. The government is amending the law to now allow to be admitted evidence that was previously impermissible, particularly in sexual cases. Pursuant to new section 372(3AB), where sexual offences have been joined it is presumed they will be tried together and that presumption is not rebutted merely because evidence on one count is inadmissible on another count. It is a complete reversal of previous law.

For the sake of interpretation, it is essential that the Attorney-General makes clear her views about that matter. As the chief law officer, she must state clearly the circumstances in which such a presumption will be rebutted. It is certainly not referred to anywhere in the proposed legislation.

The opposition is also concerned about the Attorney-General's proposal on propensity evidence. In the past there has been a general principle in our criminal justice system that propensity, or more appropriately, similar fact, evidence is not admissible because people should be convicted on their illegal deeds rather than their reputation. It is a cornerstone of our justice system that people should be convicted not because they have tarnished reputations but because of the particular deeds they have done. It is essential that reforms to our criminal justice system ensure the appropriate balance between, if you like, prejudice and proof. We must ensure an appropriate balance between the person's right to a fair trial and juicy evidence that is given unfair weight by a jury. It is a difficult balance to maintain. I am sure the honourable member for Narracan understands the importance of ensuring we have an appropriate balance. We must get the balance right because unless we do there will be mistrials and prejudices in particular trials.

A number of cases that deal with propensity or similar fact evidence make it clear that you must get the balance right. I mentioned earlier the case of *Jonathan Neil Hoch*, which refers at length to propensity evidence. At page 54 of the High Court's report in the case of *Hoch* the following appears:

> If there is a real danger of the concoction of similar fact evidence it is consistent with the attitude which the law adopts towards evidence of that kind; that it should exclude it upon the basis that its probative value is depreciated to an extent that a jury may be tempted to act upon prejudice rather than proof.

We must always consider that issue and ensure that juries act not on prejudice, but on proof. Mr Justice

Dawson, no doubt a person well known to the Attorney-General, said this at page 597 in the case of *Harriman v. The Queen*, (1989) 167 Commonwealth Law Reports, page 591, which was a similar fact evidence matter:

> When a person is charged with a criminal offence, evidence is ordinarily inadmissible that he has on other occasions been guilty of behaviour indicating a criminal disposition. This is not because the evidence is irrelevant. On the contrary, it is excluded because a jury is likely to regard it as proving too much and is for that reason likely to proceed upon prejudice rather than proof.

We have appropriate laws for propensity evidence to ensure that juries do not give undue weight to it. It is why, as shadow Attorney-General, I have grave concerns about the proposed changes to how evidence can be adduced.

The Attorney-General referred to the case of *Pfenning v. The Queen*. I believe she has misunderstood the case in relation to similar fact evidence. In the headnote to that case Justices Mason, Deane and Dawson state:

> The basis for the admission of similar fact on propensity evidence lies in its possessing a particular probative value or cogency such that, if accepted, it bears no reasonable explanation other than the inculcation of the accused in the offence charged. In other words, for propensity or similar fact evidence to be admissible, the objective improbability of its having some innocent explanation is such that there is no reasonable view of it other than as supporting an inference that the accused is guilty of the offence charged. Only if there is such a view can one safely say that the probative force of the evidence outweighs its prejudicial effect and admit the evidence.

The case cited by the Attorney-General in her second-reading speech will be dealt with further at a later stage.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The time appointed under sessional orders for me to interrupt the business of the house has arrived.

Campbells Creek Primary School

Mr CAMERON (Bendigo West) — I raise for the attention of the Minister for Education the Campbells Creek Primary School. I have been contacted by the school council on the school's behalf and I make this request of the minister this evening.

The school is growing in numbers. This year it has 141 children and on the best estimates available at present next year it will have 147, although that number may vary depending on how many youngsters actually turn up next February. The school has operated with only five classrooms this year; three of which are undersized and one which is significantly undersized. Last year the school was entitled to an extra classroom, which undoubtedly would have been a portable. However, the school decided to wait a year until the start of 1998 in the hope of getting a Mod-5 portable, which is a larger portable with two full-sized classrooms in it. The school seeks a Mod-5 portable and in return proposes to return to the education system a small portable.

I seek from the minister an assurance that a Mod-5 classroom will be available to the school to enhance its program. The school certainly needs six classrooms; it also needs the larger classrooms. I ask the Minister for Education to take up the matter with his department on behalf of the school. I assure the house the school would be extremely grateful for a Mod-5 classroom.

Firearms: licence applications

Mr JASPER (Murray Valley) — I refer the Minister for Police and Emergency Services to the Firearms Act and the need for consideration of changes in the operation of that act to assist people where they have difficulties. The Law and Justice Legislation (Further Amendment) Bill debated today provided amendments to assist in the operation of the Firearms Act, particularly for people operating as gun licence dealers on the borders between Victoria and New South Wales.

I bring to the attention of the minister other issues that have been raised with me by constituents who seek further changes to the bill to assist people who genuinely want to be involved in the operation of firearms. They may be members of sporting clubs or primary producers and others who use firearms in their particular operation, business or industry.

I refer the minister to representations I have received from a constituent at Springhurst in the electorate of Murray Valley. Mr Harvey Benton's son, Warwick, applied for a junior shooter's licence and provided all the relevant information, including a number of references. However, the returns indicated that he had suffered an eye injury some time earlier and he was told that he would need further information in the form of a referral from a doctor to complete his junior shooter's licence application.

Mr Benton's view is that this is an imposition on his son. It is a typical example of over-bureaucratic involvement from people within the firearms registry. The Bentons need further support from the minister to clarify and simplify the operation of the Firearms Act. Much concern has been expressed about the number of forms involved for people who want to become licensed under the new Firearms Act. I understand that major changes will be implemented in the reforms applicable to firearms owners and those wishing to be involved in the use of firearms.

I hope the minister will provide details of the work he is undertaking through the police and the firearm registry to clarify these issues and provide a simplified operation that will benefit those who are operating genuinely and sincerely under the Firearms Act.

Pascoe Vale South Primary School

Mr CARLI (Coburg) — I refer a matter to the attention of the Minister for Planning and Local Government in his role as the minister responsible for City Link. I refer to the Pascoe Vale South Primary School, which has a major safety concern as a result of the freeway and the freeway works. Pascoe Vale South Primary School is located adjacent to Parkstone Avenue in Pascoe Vale South in the electorate of Coburg. It is a dead-end street. There used to be a roundabout at the end of the street which allowed parents to drive into Parkstone Avenue, let the children out and then go around the cul-de-sac at the end of the street and exit the street. It provided a level of safety for the children and was the main point where the children were let off in the mornings and picked up in the evenings.

Because of the project to widen the Tullamarine Freeway the cul-de-sac or turning bay at the end of the street has been taken away. There is now no opportunity for motorists to turn and leave the street. Parents are setting down their children, reversing, trying to drive up driveways and causing all sorts of traffic havoc and hazards adjacent to the school. The school is very concerned. It wrote to the Melbourne City Link Authority and also to the council. The council, in turn, took up the issue with the City Link authority. It asked City Link to put the turning bay back as soon as possible.

There has been no response on this issue from the builders or from the authority. It seems to be yet another schedule 5 problem in that area. We have been assured that beautification, repairs and other works will be carried out to improve the amenity of the area for local residents. Builders are pushing ahead with the project and not taking due care. In this case, they are putting the 320 schoolchildren at Pascoe Vale South in a certain amount of danger.

This is an enormous issue for the area. The school council is extremely concerned, as is the local council. I ask the minister to contact the builders and the authority to point out the urgency of having the turning bay put back into place as soon as possible.

Blackwood Panels

Mr LEIGH (Mordialloc) — I refer a matter to the Minister for Conservation and Land Management, who is the minister responsible for the EPA. A company has set up in the light industrial zone that backs on to a large residential estate in the Cheltenham area in my electorate. The gentleman who owns this site at 31 Taunton Drive is a Mr Nugent. He is involved in a company called Blackwood Panels, which has operated elsewhere in Cheltenham and has moved to the light industrial site. Because the area is zoned light industrial, business operations such as his are illegal. After establishing his business and supposedly spending more than $30 000 he is now, belatedly, applying to the council for a permit to operate the facility. The operations cause what one could describe as almost toxic fumes to be emitted from the huge chimneys at the back of the premises only some metres from residents' homes. When the fans are in operation the noise is so loud that people cannot hear each other speak.

As I said, he set up this entire operation illegally. The council has not issued a permit and Mr Nugent has belatedly applied for one. I inspected the back of his property where a large roller door has been installed.

There are drums of what looks like flammable material lying around as well as car body wrecks and so on. It is certainly very unhealthy and the

amount of smoke coming from this facility, literally metres from people's backyards, is outrageous. I understand the facility often operates until at least 11 o'clock at night. This industrial estate and the residents have coexisted for many years and there has not been a problem. People are concerned to ensure the zoning continues.

I seek to ensure the minister prosecutes this gentleman for operating late at night and takes action to combat the toxic fumes and noise that emanate from the facility. It is an outrage that somebody can so disregard the planning arrangements and set up in this way simply because he owns the building. I hope the municipal council will not give him a permit. In the meantime, I hope the minister will seek to prosecute this gentleman to the greatest extent possible.

Schools: nursing service

Mrs MADDIGAN (Essendon) — I raise for the attention of the Minister for Education concerns expressed to me by at least two schools in my electorate about the school nursing service. I understand the Minister for Health made some comments quite recently indicating that the school nursing service might close. Obviously schools were concerned about what serious effects that might have on the long-term health of school students.

Anyone who has been associated with schools or had children would know that over the years the school nursing service has been very successful in early intervention and picking up very early any physical problems that might affect a child's progress at school and indeed the child's general health overall.

If the service closes many schools will not be able to provide the funds to employ a nurse themselves, which means the only avenue available to families is access to doctors. In many cases families do not realise there is a problem with their schoolchildren that requires medical attention, so it is unlikely they will go to a doctor to have such conditions identified. That in itself is probably the strength of the school nursing service and why it is so essential that it be maintained. I ask the Minister for Education to investigate the matter and to give some assurance to schools — —

Mr A. F. Plowman — On a point of order, Mr Deputy Speaker, I believe the honourable member for Essendon is raising the matter with the wrong minister. If she is after early intervention — —

The DEPUTY SPEAKER — Order! There is no point of order.

Mrs MADDIGAN — I ask the Minister for Education to investigate this matter and give some assurance to schools that the government will ensure the service is retained in the school community so that students will have access to a program that has served the children of Victoria well over many years.

Crime: victim assistance

Ms DAVIES (Gippsland West) — I raise an issue for the attention of the Attorney-General. It is almost a year since she introduced the Victims of Crime Assistance Act 1996, which withdrew the rights of victims of crime to receive compensation for their pain and suffering. I ask that she undertake to investigate the possible disadvantage experienced by victims of crime as a consequence of that legislation.

It is possible under the act to be given compensation of up to $20 000 for loss of income. I assert — and would like the Attorney-General to investigate the matter — that this discriminates against children, non-income-earning parents or partners, pensioners and the unemployed. For example, it is very difficult to gain guilty verdicts in court against the sexual abusers of children.

Mr Leigh — On a point of order, Mr Deputy Speaker, in asking the minister to investigate problems with the legislation, the honourable member is therefore seeking changes to it. The adjournment debate cannot be used to call for legislation, and I seek a ruling from you on that.

The DEPUTY SPEAKER — Order! The Chair is aware that during the adjournment debate members cannot call for legislation. I am is listening intently to the honourable member for Gippsland West.

Ms DAVIES — Often the only clear judgment those children had from society that they were wronged and that what was done to them was a crime was the token payments they received for their pain and suffering. Compensation for loss of income is irrelevant to children, but the importance of the payments lies in the years ahead as they approach adolescence. The pain they have suffered needs to be acknowledged if they are to heal properly. I believe the government has taken away an important aspect of that acknowledgment, and I would like the Attorney-General to investigate the consequences.

I refer to a second example. Last Monday, just up the road, a squatter was doused with petrol and set alight. He has been seriously injured and his pain and suffering are unimaginable. Despite that, we will not compensate him. If he lived in Queensland he could get up to $75 000 in compensation, but we will give him nothing. Compensation for loss of income will do nothing for him, because he is unemployed.

Before the government rushes into removing compensation for pain and suffering from the Workcover act, I would like the Attorney-General to investigate the consequences of its removal, which she has already done in the Victims of Crime Assistance Act.

The DEPUTY SPEAKER — Order! Before calling the honourable member for Bellarine, I take up the point of order raised by the honourable member for Mordialloc. I believe the honourable member for Gippsland West stopped short of asking for the introduction of legislation. I remind honourable members that the adjournment debate is not an opportunity to ask for legislative changes.

Natural gas: Bellarine Peninsula

Mr SPRY (Bellarine) — I refer the Treasurer to the extension of natural gas to the townships of Portarlington, St Leonards and Indented Head, which I have spoken about before. My particular concern is the actions of the honourable member for Geelong North, the shadow minister for energy and resources, who has interfered in the process of encouraging people in the area to commit to the extension of the supply. The draft procedural guidelines have now been issued, and it is clear that, provided they are followed, the availability of the gas supply depends on commitments from the local people and from the gas extension pipeline company that becomes involved.

The local community has been quietly going about its business for the past two or three years. However, it recognises that it will be held back unless natural gas is introduced. An ad hoc committee, which I helped form, has been trying to encourage the City of Greater Geelong to become involved and to lend its expertise and leadership to the process. I commend the general manager for planning and development, Mr Bill Hall, on his support. An elected committee was formed on 26 September, the objective of which is to gain total community support for the project. Without that, the cost per head would obviously be a lot more.

The DEPUTY SPEAKER — Order! The honourable member for Bellarine will need to ask for some action from the Treasurer.

Mr SPRY — I am about to. The honourable member for Geelong North should be aware of the procedures. He should be aware that the City of Greater Geelong is in a position to call for expressions of interest and that politicising the project will only put people off. I ask the Treasurer to define the process for the honourable member for Geelong North and to outline the dangers of politicising the particular issue.

The DEPUTY SPEAKER — Order! I did not call the honourable member for Bendigo West because I second-guessed the issue he was about to raise. Although it was appropriate, at that point the honourable member for Bellarine started to ask for specific action from the Treasurer. That is the reason I did not call the honourable member.

Home opportunity loans scheme

Ms KOSKY (Altona) — The matter I raise for the attention of the Minister for Housing relates to Mr Neil and Mrs Anne Marshall who live at 9 Manuka Place, Meadow Heights. Obviously some people, including the Treasurer, find that address funny. The local member would have raised the issue tonight, but he has been prevented from doing so.

Mr and Mrs Marshall had an indexed rate mortgage under the home opportunity loans scheme, and it was changed to a fixed rate mortgage. The letter they received notifying them of the change to a fixed rate mortgage dated 4 December 1995 clearly states that:

> Schedule 2 of the memorandum will apply rather than Schedule 1, save for the date that your instalments will escalate, which is detailed below. The following will apply to your mortgage ...
>
> Prepayment fee: Nil.

Judging from subsequent correspondence that Mr and Mrs Marshall had from the Office of Housing initially and then the Minister for Housing, the Office of Housing clearly do not understand the term 'Nil' to mean exactly that — nil. They suggested that Mr and Mrs Marshall owed them $2416 as a prepayment fee. In her response to Mr and Mrs Marshall the minister said that a

prepayment fee of nil did not in fact mean nil, but it could possibly be reduced to $1208!

I ask the minister to investigate the matter again. When I went to school nil meant exactly that — nil — that is, zero. Yet the minister and the Office of Housing seem to misunderstand the term and are suggesting that Mr and Mrs Marshall still owe money to the Office of Housing.

The loan was taken out by people with a low-income background. They have lost their house, and are now being asked to pay $2416 or $1208, because the Office of Housing have worded the contract inappropriately. The Office of Housing should bear the cost of its mistake and not seek that money from Mr and Mrs Marshall, who entered into that contract in good faith and in the understanding that a prepayment fee of nil meant precisely that.

Taxi directorate: probity checks

Mr LUPTON (Knox) — I raise a matter with the Minister for Transport, as the representative in this house of the Minister for Roads and Ports. It concerns the legislation and regulations introduced several years ago in relation to police probity checks of taxi drivers and bus drivers. A couple of years ago the minister in another place was responsible for introducing this particular scheme and it has worked very successfully. Last year I understand 42 taxi drivers had their licences removed.

I am concerned also about the absence of police probity checks in some cases of renewal of licences. However, the item that concerns me most is an article about bus drivers in the Spring 1997 edition of the *TWU News*:

> The Victorian Taxi Directorate, which is now the body responsible for bus drivers' certificates, has advised that it has implemented a temporary relaxation of the requirement that a full police record check must be made on certificate renewals.
>
> The directorate was reacting to the union's concerns about inequities and unnecessary inconvenience caused by the new regulations.

The directorate is responsible for organising the police probity checks and I am concerned that the union is saying that as a result of union pressure the Victorian Taxi Directorate is not following up with bus drivers' renewals.

I believe it is contrary to what the people of Victoria expect of the directorate. I am concerned that union pressure has been brought to bear on the taxi directorate and it is not fulfilling those requirements. It is inappropriate if the directorate has stopped doing the police probity check on applicants because of union pressure.

I ask that the minister investigate the matter to see whether there is some other reason for this or whether the TWU has applied pressure on the Victorian Taxi Directorate, which I believe is totally wrong. Everyone who applies for renewal of a bus licence should be subject to a police probity check. I ask that the minister investigate this matter to ensure that the union has not brought pressure to bear in this case.

Nillumbik: Watsons Creek land

Mr HAERMEYER (Yan Yean) — I direct to the attention of the Minister for Conservation and Land Management an agreement that the government release what is known as the Watsons Creek land to the Shire of Nillumbik and I ask that she honour that commitment. At a highly successful meeting this week with the shadow cabinet — it was the entire cabinet and not a few insignificant members who will be without seats after the next election — and the Nillumbik Shire Council this issue was raised by the council. The government should be familiar with it because it is the same issue that was raised during a meeting with a handful of government ministers who recently visited the region. Under the agreement reached with the ministers, the government would release 300 acres of land on the Watsons Creek open space if the council agreed to facilitate the subdivision of some government land-holdings in the region. It is a matter of great importance to the community because the Watsons Creek land is of particular environmental significance and considerable conservation value.

An honourable member interjected.

Mr HAERMEYER — The government promised to transfer the land to the council without cost and it has been asked to honour the agreement it has made. The council has honoured its commitment to the agreement, but the government has yet to honour the agreement.

During a recent meeting with government members I understand that the Minister for Planning and Local Government suggested to the council that if it were to facilitate further subdivisions the

government might finally honour its part of the agreement. That is an absolute disgrace. The government is welshing on an agreement it made with council. Prior to the last election the honourable member for Eltham promised that something would happen and that it was simply a matter of getting the then environment and natural resources ministers together to enable the land to be transferred to the municipality. However, that is yet to happen. Clearly it is the government's intention to screw the community for everything it can get out of it! If the government enters into an agreement with the council it should honour it.

Preston Football Club

Mr LEIGHTON (Preston) — I raise for the attention of the Minister for Sport the delicensing of the Preston Football Club, a member of the Victorian Football League. I ask the minister to meet with the VFL to discuss whether Preston can continue its licence and what arrangements will be made for senior football in the northern suburbs, which has already lost the former Brunswick and Northcote clubs and the Fitzroy AFL club. If we lose Preston as well — —

The DEPUTY SPEAKER — Order! Will the honourable member relate this to government business?

Mr LEIGHTON — Considerable government funding has gone into sport, including football, through the Victorian Health Promotion Foundation.

Mr Cooper — On a point of order, Mr Deputy Speaker, the honourable member for Preston raised with the Minister for Sport the delicensing of the Preston Football Club, which has absolutely nothing to do with government administration. I suggest that you, Sir, rule him out of order.

The DEPUTY SPEAKER — Order! The honourable member will relate his remarks to government business.

Mr LEIGHTON — It is within the realms of the — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Mr Haermeyer — On a point of order, Mr Deputy Speaker, twice during this adjournment debate government members have interrupted opposition members with points of order and wasted a valuable part of what is a short 3 minutes allowed for each member to raise his or her matter. Each interruption was a fairly dirty act because the time taken on the points of order restricts members in their raising issues of concern to their electorate.

Honourable members should relate any points of order to the matters raised by opposition members. Some of the points of order have been facetious and have been intended to do nothing than trample on democratic debate in the house.

The DEPUTY SPEAKER — Order! The Chair has listened to the comments made by the honourable member for Yan Yean. During the adjournment debate both Mr Speaker and I are particularly conscious of spurious points of order that are regarded as nothing more or less than time-wasting exercises. The Chair, tonight and on other nights, has dealt with the situation accordingly.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! If members wish to reflect on it, I believe the Chair dealt with the points of order raised tonight expeditiously and at times interrupted honourable members midstream. At one stage the Chair did not hear a point of order simply to facilitate the opportunities for members to raise matters during the debate.

The honourable member for Yan Yean is correct in saying it is inappropriate to use spurious points of order as a time-wasting mechanism. The Chair handles the adjournment debate in a sensitive manner and only allows a member to raise a point of order if the Chair thinks that the raising of a point of order may be justified.

Mr Haermeyer — Mr Deputy Speaker, my intention was not in any way to suggest the Chair had mishandled the issue. I was simply drawing attention to the fact that the adjournment debate is increasingly being abused in the precious few minutes members have available to them. Perhaps the matter could be examined in the future.

On previous occasions when such instances have occurred — particularly under Speaker Delzoppo — the clock has been stopped. Perhaps consideration could be given to such action being taken.

The DEPUTY SPEAKER — Order! I do not intend to carry on much longer with the point of order, but as a point of explanation I can say that at times Mr Speaker and I have seen fit to exercise the

stopping of the clock. That can be done effectively. I would prefer that we should stop points of order quickly and get on with the debate. The Chair will not hesitate to use that device if it thinks a point of order should be heard and if that point of order would, in fact, erode a significant amount of the 3 minutes available to each member. Under normal circumstances we would hope to expedite matters in a manner that does not involve stopping the clock.

Responses

Mr W. D. McGRATH (Minister for Police and Emergency Services) — The honourable member for Murray Valley raised a number of issues about changes to the firearms laws. He raised one matter particularly on behalf of the father of Warwick Benton. I will see what can be done to ensure Warwick is able to secure his junior shooter's licence because his sight problem should not prevent him in that endeavour. I will take responsibility for having that matter investigated and report back to the honourable member.

The honourable member also raised a matter concerning the application form for firearm licences and permits. That is under review. I am one of the first to admit that it is far too expensive, and the licences and permits are currently being redesigned. New South Wales has given Victoria an example — it is also in the process of redesigning its application for a shooter's licence and permit to purchase — but one of the reasons it is expensive is that it is computer scanned and the information is transferred from the application form to the database without human intervention. There has been a history of mistakes when licences come through and the information has been manually transferred to the database. That is why the layout is at is.

A number of honourable members have recently received a submission under the hand of the secretary of the Sporting Shooters Association of Australia, Sebastian Ziccone. Much of the debate is about the cost of a firearm dealers licence. It is necessary to increase those fees. The overall cost of operating the registry will be about $7.7 million a year.

Mr Haermeyer interjected.

Mr W. D. McGRATH — No, we are not pocketing the money; it is a full cost recovery for operating the registry of firearms, which is about $7.7 million, and the fees that have been struck equate to that figure. The fee for a dealer will rise from the $20 a year that was struck in 1996 to $250 a year. For the most common shooters licence the fee will increase from the $15 a year that was struck in 1988 to $27 a year. Those fees are fair and appropriate in ensuring full cost recovery for the operation of the registry of firearms. If other jurisdictions around the country look for full cost recovery their fees will have to be similar to Victoria's, although the fees are higher in South Australia.

Mr MACLELLAN (Minister for Planning and Local Government) — The honourable member for Coburg raised a matter regarding the Pascoe Vale South Primary School and the removal of a turning circle in a cul-de-sac access to the school as part of the City Link project. I will ask City Link to give me advice about the matter and will try to get that advice back to the honourable member.

I take it that it that the turning circle should be continued or restored as a school safety measure. I do not know whether there is an opportunity to provide it further up the road or whether it is a matter of works or a matter of size, but perhaps the honourable member can give me details — or even a sketch of the area — of what he suggests as a suitable solution to the problem. A more detailed knowledge might assist in trying to find a workable solution.

I would be anxious to reply to the matter raised by the honourable member for Yan Yean for the Minister for Conservation and Land Management. It is true, as the honourable member said, that a group of cabinet ministers visited as guests of the Shire of Nillumbik. It is also true that during that visit there was a discussion about land at Watsons Creek. It is a regular discussion point with municipalities in that area and has been for many years.

I understand the Watsons Creek land was a discussion point for upwards of six years under the former Labor government — it has been for five years under the coalition government and for six years under the Labor government, which means it was discussed for an equal length of time under both governments — and we might reasonably expect it to be solved in the next 12 months.

The notes the honourable member appeared to have, which may have been made after a telephone conversation or something, are not accurate about his recollection of what happened at the meeting at the Shire of Nillumbik — mainly because he was not

there. As he was not there, I suppose it is hard for him to recall exactly what happened.

Mr Haermeyer interjected.

Mr MACLELLAN — Are you?

Mr Haermeyer interjected.

Mr MACLELLAN — No, I am not. The only person who used the word 'liar' in this house is the honourable member for Yan Yean, and the only person who used that word in association with the shire president's name is the honourable member for Yan Yean, not me.

An honourable member interjected.

Mr MACLELLAN — I am not insinuating anything. The honourable member being something of an expert at insinuation, I can only imagine that he was. I am not insinuating anything about the shire president, because I happen to know what the shire president said at the meeting between the councillors and the ministers, and it was not what the honourable member for Yan Yean is now saying.

What the honourable member for Yan Yean did not understand is that the Treasurer, who was there — the Treasurer has responsibility for Melbourne Water matters, and the Watsons Creek land was Melbourne Water land — explained very carefully, and I thought very fairly, that it was not particularly fair for all ratepayers, and now water users who pay Melbourne Water, to make a gift to one particular municipality in respect of land.

We had indications of the Valuer-General's valuation of the land, both as land that could be developed — that is, land that might be in small acreage — or land that would be used as recreational land. The valuation was about half if the land was to be ultimately used for permanently reserved public open space. In other words, the Valuer-General said that if it can be developed or used in some other way, it has one value, and if it cannot, it will have about half that value.

The Treasurer invited the council, if it believed there was any evidence of an agreement, to put it to the minister — that is, the Treasurer — to consider whether there had been an obligation in respect of the Watsons Creek land.

It is interesting to note that instead of sending something to the Treasurer, as invited, the honourable member for Yan Yean raised the matter in Parliament, which suggests to me that there just might be an absence of written documentation about the so-called agreement. In other words, perhaps when searching for the written details of the agreement the honourable member alleges was made, no written information was available to send to the Treasurer, so the idea is to now raise it in Parliament in the hope that it might be nudged along in this way.

Mr Haermeyer interjected.

Mr MACLELLAN — That was not the invitation. The invitation was that if there was evidence of an agreement to pass over the Watsons Creek land at no cost — which was of course what the council was hoping — that it should be established by some written undertaking or agreement between either some former minister and Melbourne Water, or whatever. That is what has been looked for, and that is what is needed if it is to be handed over without any cost. If it is to be handed over at Valuer-General's valuation, as I have explained to him and to the council, the particular valuations — I do not need to be told about the valuations; I know the valuations, I was there.

Honourable members interjecting.

Mr MACLELLAN — I deliberately did not mention the exact amounts because we do not want this member knowing them, because you just know he would be incapable of using them in a sensible way. Having told the council about it, why do we need to tell him? That is the worst thing in the world to do. Talk about confusion! We don't want that.

Mr Bracks interjected.

Mr Jasper interjected.

Mr MACLELLAN — You are doing it now; it must be catchy. Are you going to walk out again, chorus line out?

The DEPUTY SPEAKER — Order! The honourable member for Murray Valley will remain quiet. He has had his issue raised and answered. He should remain quiet. The honourable member for Williamstown will do likewise. Things were peaceful until he came to the table, so I ask him to be quiet.

Mr MACLELLAN — The closer they get to the table the worse their behaviour becomes. It was

made clear to the council that if it wished to buy the land it had two opportunities of doing so. It can buy it at the higher value if it wishes to have some development out of it, or it can buy it as recreational land at the valuation indicated by the Valuer-General for recreational land.

The honourable member then went on and made some suggestion that under the previous government — I presume, because it certainly was not under this government — the former Shire of Eltham gave approval for certain subdivisions in the area.

Mr Haermeyer interjected.

Mr MACLELLAN — The honourable member for Yan Yean must be regarding it as a matter done by the former government because that arrangement was not done under this government. If the honourable member has evidence of that being done under this government then I would welcome the detail of that information. I would like to know whether the former Shire of Eltham put up some amendment to a planning scheme to facilitate the subdivision of land that ought not to have been subdivided.

Is that what the honourable member is suggesting? What he is then going on to say is that if that suggestion was made at the meeting at Nillumbik shire that it is somehow unprincipled. The discussion was about whether there should perhaps be larger than acre-sized blocks on the edge of some of the townships near the northern part of Nillumbik. That is what was being discussed by the councillors.

The councillors were saying, 'We would not want to take the Watsons Creek land and have development there because we want to keep that area as a general landscaped and recreation area'. They also talked about the beauty, the absolute wonder, of having a bicycle path that went practically from Port Melbourne to the top of the Great Dividing Range and that the land they were talking about at Watsons Creek would be significant in that ambition of Nillumbik shire. All that was discussed.

None of it has seeped through into the density of the honourable member for Yan Yean, and I can understand that. I can understand that it would be hard to get sensitive things like that through to the honourable member for Yan Yean because he would be wanting just the political bit of it.

The council was suggesting that if there were to be any additional development it should be near the existing townships and that out of that it might be possible to raise some of the funds toward buying the land at Watsons Creek. Of course that is totally inconsistent with what the honourable member for Yan Yean was putting tonight. He was suggesting tonight that the council would not expect to pay anything. Why are they talking about subdividing anything if they are not expecting to pay? The honourable member might well smirk; logic has nothing to do with him.

First of all he says you do not want to pay for it but then there is the scandalous suggestion that you might have a subdivision so that you can pay for it. It is a change in gear. It is saying, 'Yes, we have a bit of a problem here. Don't worry, just keep shouting and it will go away'. The problem will not go away.

The honourable member for Yan Yean is right in it up to here. He said firstly that there is an agreement that the council should be given it without having to pay for it, and then he is into a wonderland where he is apparently promoting the view that somehow or other there is going to be a discussion about subdivision.

As the honourable member for Eltham knows, there is a perfectly easy way for the Shire of Nillumbik to raise $1.1 million towards the cost of buying the Watsons Creek land. I made it perfectly clear to the council it should not have any difficulty at all in finding the $1.1 million. All it has to do is complete the contracts relating to the former Eltham shire offices. However, its reaction is, 'That is Eltham money. That should not be used for Watsons Creek'.

The Shire of Nillumbik has a great idea about area money: Eltham money should not go up to Watsons Creek!

An honourable member interjected.

Mr MACLELLAN — That's right, money does not flow uphill in Nillumbik. The shire wants a gift in the north and a gift in the south — and it seems as though it has looked a gift horse in the mouth!

The DEPUTY SPEAKER — Order! That is a good example of how interjections can extend a debate.

Mr STOCKDALE (Treasurer) — I am excited about being invited to be the supporting act for the Minister for Planning and Local Government. I congratulate the honourable member for Bellarine.

For about two years he has been working with his constituents to take advantage of government policy to facilitate the extension of the natural gas supply into areas where reticulated gas has not been available.

His efforts stand in stark contrast to the desperation, sheer ignorance and hypocrisy of the honourable member for Geelong North, who holds himself out to be the shadow minister for energy and resources. The areas referred to are not in his electorate and he has shown no real interest in them until recently. One would have thought he would have been keeping track of developments over the past two years, but so desperate is he to gain any recognition at all that he has leapt in at the very end of the process to try to take some credit for a development that has been facilitated by government policy.

I guess he has forgotten, but I remind him that the Labor Party was in office for 10 years between 1982 and 1992. They were certainly dark years, and I can understand why he would seek to erase them from his conscious recollection. However, if it had been earnest about the provision of natural gas to Portarlington, Indented Head and St Leonards one would have expected the Labor Party to have been promoting some means by which the gas could have been made available.

However, throughout that time the Labor Party steadfastly endorsed the abuses of power by government monopolies. Opposition members are very much in favour of competition and consumer rights, except where they involve public enterprises. It is all right for them to refuse to extend the natural gas supply or to allow anybody else to do so. Until recently, not only did the Gas and Fuel Corporation refuse to extend natural gas to those towns, it also maintained a legislative bar on anybody else offering to extend it.

It took this government to establish a procedure under which communities could get together and enter into arrangements to facilitate a contestable process to extend the gas supply. That is what the honourable member for Bellarine has been doing with his local community for two years.

The government has recently facilitated that bidding process. Under the new rules, as I understand it, the City of Greater Geelong has taken up the cause of the honourable member's constituents and is in the process of initiating a competitive process. I am sure local people recognise the grandstanding of the honourable member for Geelong North for the inappropriate behaviour it is. He is trying to take the credit for the work done by the honourable member for Bellarine.

What is less excusable is the ignorance of the honourable member. He holds himself out as the shadow minister for energy and resources, so one would think he would know the history and be aware of the policy under which the gas is available and support the local community to take advantage of the policies the government has put in place. Those policies provide the opportunity for people on the Bellarine Peninsula and across Victoria to get gas, something they were unable to do during the 10 dark years of Labor administration.

Finally, there is the sheer hypocrisy that the honourable member, having been a member of the Labor government for all those years when it defended the monopoly position of a public enterprise and refused to let anyone else provide gas to these people, now tries to claim the credit for an initiative that has come from policies introduced by this government.

I congratulate the honourable member for Bellarine. It is a sad day when members of a local community are being so poorly put upon by the Labor Party, but no doubt that is something they will long remember.

Mrs WADE (Attorney-General) — The honourable member for Gippsland West asked me to investigate the effect on two different categories of the Victims of Crime Assistance Act. Firstly, the honourable member referred to cases involving children who had suffered sexual assault where there were difficulties in obtaining convictions. Many of those cases involve a number of child victims and the courts in Victoria have been inclined to order those cases to be separated for trial. So there may be circumstances where cases involving a number of allegations against a teacher or a scout leader are each heard separately, which often means the accused can be found not guilty.

In fact, I have heard of one circumstance where a person charged with sexual offences was in bed with two boys and the court, to my mind rather inexplicably, directed that those two charges be heard separately. In that case the accused was found not guilty on both charges.

I point out to the honourable member that the house was debating a related measure immediately prior to the adjournment motion. Amendments in the

Crimes (Amendment) Bill are directed at making it less likely for cases to be heard separately. However, the honourable member suggested that in the past the only recognition of the crime has been a payment for pain and suffering under the victims of crime legislation. That is not so, because a number of provisions allow for orders to be made under previous and present legislation.

In the case of a child victim, it is still possible to apply to the tribunal for any expense required for counselling assistance or medical assistance; in exceptional circumstances, the tribunal has the discretion to order other types of assistance. In the case of a child — I have discussed this issue with magistrates who conduct these tribunals — perhaps an order will be made in respect of a child's education, books, a computer or other types of assistance that may help the child recover from the crime.

I also point out that although there is no loss of earnings in respect of the child, in the case where the victim is the child, the parents of the child are regarded as secondary victims and if they suffer injury as a result of the crime they are also able to apply for orders up to a $50 000 limit for counselling and medical expenses and up to $20 000 for loss of earnings. It is possible for parents also to be recompensed in those circumstances.

The other category of victim referred to was the man who was set alight in a squat during the past week. Again the honourable member for Gippsland West said that there would be no compensation for loss of income because the person was unemployed. I am not aware if that was the case, but again there would be compensation available for counselling and medical expenses. In exceptional circumstances an order could be made for accommodation or for some other assistance to help a victim.

The aim of the new scheme is to provide reimbursement of expenses or losses suffered by victims and also any other associated assistance that may be necessary in exceptional circumstances. That may include an alarm system in a house or moving expenses; there is a range of possibilities. The previous scheme was accessed by only a very small number of victims. Victoria has more than 20 000 victims of offences against persons; those offences include sexual and violent offences and assault. The number of applications per annum under the previous legislation was in the vicinity of 8000. Many of those were not applications from victims at all but from people who witnessed offences. Only a very small number of the 20 000-plus victims per annum were accessing the previous scheme. A very large number of people were getting no assistance whatsoever.

A report from the Victorian Community Council Against Violence states that victims were not aware of the services available, and that there were many services available which could be of great assistance to victims if only they were aware of them. We decided to change the scheme and to leave in place those aspects of it I have already described yet make available a number of other services. Whenever anyone reports a violent crime to the police he or she will immediately receive five vouchers for counselling. Application does not have to be made to a tribunal or to anybody else; the vouchers are given as matter of course. If people want additional counselling they can apply to the tribunal. We have also set up a new victims referral and assistance service headed by Judy Dixon, a former Labor member for Boronia Province, who is assisted by psychologists and councillors. The service provides a telephone number for people to ring in free from anywhere in Victoria and the referral centre will explain the services available in any one area. A range of services will be available, including counselling and volunteer services. Throughout country Victoria the government is establishing a system with full-time staff and trained volunteers who will be able to provide assistance to any victim, not just victims of personal attacks but victims of property crime.

The victims referral and assistance system has had a number of calls from elderly people who are victims of burglaries and women who have had their bags snatched and are in need of counselling or assistance. Those people had access to nothing under the previous scheme; they now have access to a range of different services under the new scheme. I am monitoring this scheme and I will be happy, if the honourable member for Gippsland West approaches me over the next few months, to give her an update. If she wishes to visit the victims referral and assistance service I will be more than happy to arrange that.

Mrs HENDERSON (Minister for Housing) — The honourable member for Altona raised a matter with me on behalf of Mr and Mrs Marshall of Meadow Heights about a home opportunity loans scheme (HOLS) loan taken out by the Marshall family. It is worth noting that the Office of Housing has some 24 000 loans.

In 1994 HOLS was completely restructured, and we have had an ongoing review of our home loans since that time. I remind the honourable member for Altona that she needs to look at the history to see what happened during the years when the Labor government introduced the loans. I think she may be the only honourable member on that side of the house who has raised the issue of home loans, and I am fairly surprised that she has done so.

However, in a spirit of cooperation I will certainly look at the issue again on behalf of Mr and Mrs Marshall. As I said, I am very surprised that an opposition member would raise with me an issue about home loans.

Mr COOPER (Minister for Transport) — The honourable member for Bendigo West raised a matter for the attention of the Minister for Education in regard to a new classroom at Campbells Creek Primary School. I will draw that matter to the attention of the minister and ask him to get back directly to the honourable member.

The honourable member for Essendon also raised for the attention of the Minister for Education the school nursing service and sought an assurance that that service will continue. I will also direct that matter to the attention of the minister and ask him to get back directly to the honourable member.

The honourable member for Mordialloc raised for the attention of the Minister for Conservation and Land Management some illegal activities in Cheltenham by a panel beating company involving noise and fume pollution and the organisation operating without a permit. I can certainly understand the concerns of the honourable member for Mordialloc on such a matter. As usual he vigorously represents his constituents. I will ensure that the minister is made aware of the concerns of the honourable member and ask her to get back to him as soon as possible.

The honourable member for Preston raised a matter for the attention of the Minister for Sport. I am not sure whether you upheld my point of order, Mr Deputy Speaker, but I can say briefly that I understand the concerns of the honourable member for Preston in regard to the historic Preston Football Club — the fact that it is now struggling to survive in the VFL, and the delicensing issue.

Although it is not a matter for the administration of government — it is in fact far from it — I understand the concern of the honourable member for Preston and I know that that concern is shared by a great many football supporters in this state, particularly those who have followed the VFA in times gone by, and who now follow the new VFL. They would have seen Preston in its great days, and they are not all that long ago, when it won flags and provided the senior football league — the old VFL, now the AFL — with a number of senior players.

As the rationalisation of football takes place, it is sad to see that historic football clubs such as Preston are struggling for survival. I will be happy to draw the matter to the attention of the Minister for Sport. There will be nothing that he can do about it, but I am sure he will be able to convey his views on that matter to the honourable member for Preston and offer whatever support can be offered to try to see that Preston survives. Those of us who have a love for Australian Rules football, particularly those of us who have played it, all hope that a club such as Preston will survive.

The honourable member for Knox raised for the attention of the Minister for Roads and Ports in the other place the question of probity checks on bus drivers.

The honourable member was concerned about a matter reported in the Transport Workers Union newspaper, which I understand claims that the probity checks are either not being done or have been suspended and will continue to be suspended for some time. That runs contrary to advice that I am aware the honourable member received from the Minister for Roads and Ports in a letter dated 21 October. That advice was that the probity checks were being carried out, and, although there were some difficulties in regard to interstate probity checks, the Victorian Taxi Directorate — which conducts all such checks — is currently liaising with other jurisdictions for on-line access and is hopeful of satisfactory arrangements being put in place in the near future.

The matter the honourable member for Knox raised would be of concern to all members in this place: a situation may well be developing or be about to develop where bus drivers are employed and receive licences without probity checks. I am sure the minister will be concerned at the report in the newspaper of the Transport Workers Union because it certainly runs contrary to the recent advice he gave the honourable member for Knox. I am sure he will look into the issue and respond promptly to the honourable member for Knox with the true and correct story.

The DEPUTY SPEAKER — Order! The house stands adjourned until next day.

House adjourned 11.11 p.m.

Thursday, 30 October 1997

The SPEAKER (Hon. S. J. Plowman) took the chair at 10.05 a.m. and read the prayer.

Mr Thwaites — On a point of order, Mr Speaker, I raise a matter that comes within your jurisdiction as having overall authority in this house and in your role as Speaker which, of course, is supposed to be the symbol of impartiality and authority. The matter on which I seek your guidance, Sir, is what approach and what actions you will take when threats are made to your impartiality.

During question time over the past two days a number of incidents have occurred which have involved a great level of noise and disputation. During question time on Tuesday, you, Sir, requested that a motion be moved in relation to the Leader of the Opposition. You gave the Leader of the Opposition an opportunity to apologise to the Chair, which is exactly what he did. At that stage, the Premier and the Deputy Premier expressed extreme anger. The Premier turned to the Deputy Premier and said, 'We must speak to him' — meaning speak to you, Mr Speaker — about the ruling. That would be an extreme example of a threat to your authority and impartiality.

Did the Premier or Deputy Premier or any other member of the government approach you, Sir, express their anger at your decision to allow the Leader of the Opposition to apologise, and attempt to pressure and intimidate you, contrary to the rules and practices of this house? If such a position has been taken or if it is to occur, can you clarify what action you would take to ensure the intimidation of you and your position does not continue in the future?

The SPEAKER — Order! It is a serious point of order. At no time has any threat to my impartiality been made. No intimidation or any inference has been directed to me by any member from the government benches. I cannot say that about members of the opposition who have constantly, in interjections and by their behaviour, threatened the independence of the Chair and been intimidating to the Chair.

Honourable members interjecting.

The SPEAKER — Order! Do you want an answer to a question asked in a serious vein? The Deputy Leader of the Opposition should have a careful look at himself and his opposition supporters.

Mr Bracks interjected.

The SPEAKER — Order! The honourable member for Williamstown interjects, 'That shows your impartiality'. I was asked a question, and it was answered with absolute honesty and integrity. If the honourable member for Williamstown thinks otherwise, he is wrong.

LAW REFORM COMMITTEE

Regulatory efficiency legislation

Mr ANDRIGHETTO (Narracan) presented report on inquiry into regulatory efficiency legislation, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

PAPERS

Laid on table by Clerk:

Architects Registration Board — Report for the year 1996–97

Barwon Region Water Authority — Report for the year 1996–97

Building Control Commission — Report for the year 1996–97

Central Gippsland Region Water Authority — Report for the year 1996–97

Central Highlands Region Water Authority — Report for the year 1996–97

Coliban Region Water Authority — Report for the year 1996–97

Dental Health Services Victoria — Report for the year 1996–97

Docklands Authority — Report for the year 1996–97

East Gippsland Region Water Authority — Report for the year 1996–97

First Mildura Irrigation Trust — Report for the year 1996–97

Gippsland and Southern Rural Water Authority — Report for the year 1996–97

Goulburn-Murray Rural Water Authority — Report for the year 1996–97

Goulburn Valley Region Water Authority — Report for the year 1996–97

Grampians Region Water Authority — Report for the year 1996–97

Heritage Council Victoria — Report for the year 1996–97

Hesse Rural Health Service — Report for the year 1996–97

Heywood and District Memorial Hospital — Report for the year 1996–97

Infrastructure Department — Report for the year 1996–97

Inner and Eastern Health Care Network — Report for the year 1996–97

Kiewa Murray Region Water Authority — Report for the year 1996–97

Lower Murray Region Water Authority — Report for the year 1996–97

Marine Board of Victoria — Report for the year 1996–97

Melbourne City Link Authority — Report for the year 1996–97

Melbourne Convention and Exhibition Trust — Report for the year 1996–97

Melbourne Water Corporation — Report for the year 1996–97

Mental Health Review Board and Psychosurgery Review Board — Report for the year 1996–97

Mid-Goulburn Regional Water Board — Report for the year 1996–97

Murray-Darling Basin Commission — Report for the year 1996–97

North Eastern Health Care Network — Report for the year 1996–97 (two papers)

Otway Region Water Authority — Report for the year 1996–97

Ovens Region Water Authority — Report for the year 1996–97

Parliament House Completion Authority — Report for the period ended 22 April 1997

Peninsula Health Care Network — Report for the year 1996–97

Plumbers Gasfitters and Drainers Registration Board — Report for the period ended 23 March 1997

Port Fairy Hospital — Report for the year 1996–97

Portland and District Hospital — Report for the year 1996–97

Portland Coast Region Water Authority — Report for the year 1996–97

Port of Geelong Authority — Report for the year 1996–97

Port of Melbourne Authority — Report for the year 1996–97

Port of Portland Authority — Report for the year 1996–97

Public Transport Corporation — Report for the year 1996–97

Roads Corporation (VicRoads) — Report for the year 1996–97

Southern Health Care Network — Report for the year 1996–97

Southern Hydro Limited — Report for the year 1996–97

South Gippsland Region Water Authority — Report for the year 1996–97

South West Water Authority — Report for the year 1996–97

State Development Department — Report for the year 1996–97

State Library of Victoria — Report for the year 1996–97

Statutory Rules under the following Acts —

Freedom of Information Act 1982 — S.R. No. 107

Gaming Machine Control Act 1991 — S.R. No. 109

Health Act 1958 — S.R. No. 110

Lotteries Gaming and Betting Act 1966 — S.R. No. 108

Psychologists Registration Act 1987 — S.R. No. 111

Public Sector Management Act 1992 — S.R. No. 112

Subordinate Legislation Act 1994 —

Minister's exception certificate in relation to Statutory Rule No. 111

Ministers' exemption certificates in relation to Statutory Rule Nos. 107, 108, 110, 112

Sunraysia Rural Water Authority — Report for the year 1996–97

Warrnambool and District Base Hospital — Report for the year 1996–97

Westernport Region Water Authority — Report for the year 1996–97 (two papers)

Western Region Water Authority — Report for the year 1996–97

Wimmera Mallee Rural Water Authority — Report for the year 1996–97

Women's and Children's Health Care Network — Report for the year 1996–97.

BUSINESS OF THE HOUSE

Adjournment

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That the house, at its rising, adjourn until Tuesday, 11 November.

Motion agreed to.

ELECTRICITY SAFETY BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) — I move:

That I have leave to bring in a bill relating to the safety of electricity supply and use, the efficiency of electrical equipment, to repeal the Electric Light and Power Act 1958, to amend certain other acts and for other purposes.

Mr BRACKS (Williamstown) — Will the Treasurer gave a short explanation of the bill?

Mr STOCKDALE (Treasurer) (*By leave*) — As a result of the privatisation of the electricity industry, the government is reviewing the arrangements for electrical safety. The reforms involve the establishment of an Office of Electrical Safety. The bill facilitates the establishment of that office and makes a number of consequential amendments providing for an enhanced regime of supervision of electrical equipment and the use of electricity.

Motion agreed to.

Read first time.

ACCIDENT COMPENSATION (MISCELLANEOUS AMENDMENT) BILL

Introduction and first reading

Mr STOCKDALE (Treasurer) — I move:

That I have leave to bring in a bill to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, the Magistrates' Court Act 1989, the Occupational Health and Safety Act 1985 and the Workers Compensation Act 1958 and for other purposes.

Mr BRACKS (Williamstown) — Will the Treasurer give a short explanation of the bill?

Mr STOCKDALE (Treasurer) (*By leave*) — The bill implements the government's reform to the Workcover system, the details of those reforms having been announced publicly by the Minister for Finance in the other place. The bill implements those reforms and makes a number of consequential amendments.

House divided on motion:

Ayes, 41

Andrighetto, Mr	Maclellan, Mr
Burke, Ms (*Teller*)	Maughan, Mr
Clark, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perton, Mr
Dixon, Mr	Pescott, Mr
Doyle, Mr	Plowman, Mr A.F.
Elliott, Mrs	Reynolds, Mr
Finn, Mr	Rowe, Mr

Jasper, Mr
Jenkins, Mr
John, Mr
Kilgour, Mr (*Teller*)
Lean, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McGill, Mrs
McGrath, Mr J.F.
McLellan, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr E.R. (*Teller*)
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wade, Mrs

Noes, 27

Andrianopoulos, Mr
Batchelor, Mr
Bracks, Mr
Cameron, Mr (*Teller*)
Campbell, Ms
Carli, Mr
Cole, Mr
Davies, Ms
Dollis, Mr
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hulls, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Leighton, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs (*Teller*)
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Savage, Mr
Seitz, Mr
Sheehan, Mr
Thwaites, Mr

Motion agreed to.

Read first time.

CONSTITUTION (AMENDMENT) BILL

Introduction and first reading

Mrs WADE (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Constitution Act 1975 with respect to the publication, transmission and broadcasting of parliamentary proceedings and for other purposes.

Mr HULLS (Niddrie) — I seek a brief explanation of this legislation.

Mrs WADE (Attorney-General) (*By leave*) — The government has received legal advice that although the report of the proceedings in this Parliament in *Hansard* attracts parliamentary privilege it is doubtful whether the same level of protection is provided for the electronic reporting of proceedings. The government feels that in the interests of all concerned that situation should be remedied.

Motion agreed to.

Read first time.

LAND (RESERVATIONS AND OTHER MATTERS) BILL

Introduction and first reading

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That I have leave to bring in a bill to provide for the revocation of reservations and Crown grants over various parcels of land, to repeal the Burrumbeet (Russell Reserve) Land Act 1982, to make consequential amendments to the Australian Grands Prix Act 1994 and for other purposes.

Ms GARBUTT (Bundoora) — I seek a brief explanation of the bill.

Mrs TEHAN (Minister for Conservation and Land Management) (*By leave*) — This is general land revocation and reservations legislation that covers a series of various parcels of Crown grants, including the Burrumbeet Reserve, which is nominated because it is provided for under a particular act. It also relates, in part, to a land adjustment at a school in the Albert Park area which requires a minor amendment to the Australian Grands Prix Act.

Motion agreed to.

Read first time.

EDUCATION (PRESCHOOLS) BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

The purpose of the bill is to authorise councils of state schools that provide primary education, to also provide preschool programs to children who are at least three years of age by 30 April in any year. Under the bill, it will be optional for school councils to provide those programs. Preschool programs aim to further a child's social, emotional, physical and intellectual development in the year before starting primary school. In Victoria, preschool programs have been offered at 1576 locations this year, an increase of more than 20 per cent in three years, and

almost 92 per cent of Victorian four-year-olds have enrolled at preschools this year.

Preschool programs presently need to be registered under and comply with part XIA of the Health Act 1958. From 1998, the Children's Services Act 1996 will govern those programs. Under the bill, school councils will need to comply with the same regulatory requirements as other providers, particularly in relation to facilities and qualified staff. The Department of Human Services will continue to be the department responsible for licensing and regulating preschool programs.

Over the past 12 months, the departments of Human Services and Education have examined the issue of greater Department of Education involvement in preschool programs, due to the fact that councils of primary schools are well placed to use their established administrative and management structures to support or directly provide preschool programs. Also a number of early childhood experts suggest there may be a link between participation in preschool programs and student achievement in general education, particularly in relation to literacy, and that children may benefit from a preschool curriculum that is more directly linked to the early years of schooling curriculum. The greater involvement of the Department of Education will also reflect the practices in other states where early childhood education is largely the responsibility of the department of education.

The main features of the bill are as follows:

1. Only schools that provide primary education will be authorised to offer preschool programs.
2. The preschool programs may be conducted on and off the school site.
3. In respect of programs off the school site, only the minister will be able to acquire premises for that purpose, but school councils may apply to the minister to obtain the relevant premises on their behalf.
4. It will be optional for school councils to provide preschool programs, and school councils that wish to provide the programs will have three options under the bill, and can choose the option that best suits their local needs. The options are:
   (i) First, it may conduct the program itself and employ the relevant staff.
   (ii) Secondly, it may licence the premises to a private provider to conduct the program.
   (iii) Thirdly, it may enter into a joint arrangement with another school council or a private provider, to conduct the preschool programs.
5. Any alterations to premises under the control of the Minister for Education, or any leases or licences to private providers, will require the approval of the minister.

I now turn to the particular provisions of the bill. Clause 3 inserts a definition of preschool program. For the purposes of the bill, the preschool programs will be limited to children who are at least three years of age by 30 April in any year. Children under that age will not be enrolled in the program. Clause 4 amends section 8 of the Education Act 1958 to enable the Minister for Education to delegate to school councils his powers under the act relating to the provision of preschool programs. These powers include the power to construct or alter buildings, and to enter into or grant licences or leases.

Clause 5 enables the Minister for Education to give directions or issue guidelines to a school council with respect to the provision of a preschool program. School councils must comply with any directions or guidelines. Clause 6 amends section 15B of the Education Act to enable school councils to employ persons for the preschool program. Clause 7 amends section 15C of the Education Act to enable school councils, with the approval of the Minister for Education, to construct or carry out building works to provide preschool programs.

Clause 9 amends section 15G of the Education Act to enable the Minister for Education to act in the place of a school council for any preschool program conducted by that council, in the event the school council is dissolved or otherwise ceases to exist. Clause 10 amends section 34A of the Education Act. That section and division 6 of part 2 of the Education Act states that compensation is payable under the Accident Compensation Act 1985 to volunteer 'school' workers for injuries incurred in assisting in school work. It also provides for compensation in the event they damage their property when assisting in school work.

Volunteer school workers are persons who, without remuneration or reward, assist in the work of the school, and the most common examples are school council members and parents who assist in weekend working bees. Clause 10 amends this section to

provide for the same protection to volunteer workers who assist in the work of a preschool program provided by a council of a state school. The amendment will ensure that parents and others who freely give of their time to assist in the work of the preschool will be compensated if they are injured or suffer damage to their property.

Clause 11 inserts a new part 5A in the Education Act 1958. This part inserts a number of new sections relating to the provision of preschool programs by school councils. I will now deal with each of these new sections.

The new section 67 will authorise councils of state schools offering primary education to provide preschool programs by one of the three options already mentioned, namely:

(i) the council providing the program on school premises or on other premises under the control of the Minister for Education, or

(ii) the council authorising a licensee or lessee to use part of the school premises or other premises under the control of the minister, or

(iii) the council entering into a joint arrangement with other school councils, or private providers.

The intention of the government is that any programs must be conducted on a full cost recovery basis, and be cost neutral to the Department of Education. In short, apart from the present funding provided by the Department of Human Services for four-year-olds attending preschools, school councils will have to bear the full costs of any programs without any financial assistance from the Department of Education. The term 'full costs' covers any building works, land purchases or leases, equipment and employment costs, or any other costs associated with providing the programs.

A new section 68 will authorise the Minister for Education to acquire by agreement any estate or interest in land for preschool programs. School councils do not have this power, but will be able to apply to the minister to acquire any interest in lands. The minister will be able to grant leases, licences or otherwise dispose of any land acquired for the purposes of a preschool program. Crown Land reserved for education purposes may not be sold or disposed of in fee simple, but may be leased or licensed. School councils, if authorised by the minister, will be able to grant leases or licences over land to be used for preschool programs.

A new section 69 will authorise school councils to enter contracts for goods and services to provide preschool programs. Section 70 will authorise school councils to charge fees for preschool programs and other related services. A new section 71 will require school councils to ensure that any fees or money received for preschool programs is applied for the preschool programs unless the minister otherwise directs. School councils must also ensure that separate accounts and financial records are maintained in relation to the preschool programs.

Clause 12 is designed to ensure that, until the Children's Services Act 1996 comes into operation, school councils that wish to provide preschool programs must comply with the relevant provisions of the Health Act 1958.

By authorising councils of state schools to provide preschool programs, the bill will increase the range of preschool options available to parents, and offer increased convenience to those parents who currently juggle children between school and preschool locations. The guidelines and directions to be issued to school councils will ensure that the preschool programs are provided in fair and open competition and at fees that reflect competitive market rates.

The Victorian Primary Principals Association, the Association of School Councils in Victoria and the Kindergarten Parents Association of Victoria have been consulted. All have welcomed the decision to allow councils of state schools that offer primary education, to run preschool programs.

I commend the bill to the house.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until Thursday, 13 November.

ALPINE RESORTS (MANAGEMENT) BILL

Second reading

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That this bill be now read a second time.

During the last sittings of this house I introduced legislation to reform the management of Victoria's alpine resorts. I referred in my speech at that time to

the management history which had shaped the development of the resorts, through the differing philosophies of the former SECV, Lands Department and Forests Commission. From 1961 there were attempts through an interdepartmental committee to coordinate resorts development and in 1983 all the resorts which had grown up under the management of the various agencies were brought together under the management of the Alpine Resorts Commission.

The assumption of the 1983 legislation was that sound development of the resorts required a single management focus. As I indicated in my earlier speech, the government considers that the time for a single management structure has passed and the larger resorts are now in a position to be managed as separate entities within the general framework of legislation which recognises the unique qualities of the resorts within the Crown estate.

In introducing the bill, I referred to the extensive consultation which had taken place over the future of the resorts, both through the independent panel inquiry into future uses of Mount Stirling and the work of the review teams which reported to me on the resorts in general. I believed that a substantial consensus had been achieved on the then future directions of the resorts, but, in light of the intense interest in their future, I announced the government's intention that the bill lie over to allow stakeholders to study the management structure set out in the bill.

During the parliamentary recess I have received a substantial number of submissions from a range of stakeholders and have carefully considered all the issues raised. I am pleased to say that the submissions have confirmed the widespread general support for the proposed reforms to which I referred in introducing the bill. A number of the matters raised related more to clarification of the structure than to concerns with the proposal, or made suggestions about future management actions.

The bill which is before the house is substantially similar to its predecessor, although it incorporates a small number of changes resulting from consideration during the winter recess. On the advice of my department and parliamentary counsel, I decided that on the basis of clarity it was preferable to introduce a new bill which would incorporate those changes rather than introduce them by house amendment.

In introducing the previous bill, I stressed the government's commitment to retaining the alpine resorts within the Crown estate because of the sensitivity of the alpine environment. The previous bill provided for the land within the resorts to be temporarily reserved for the purpose of alpine resorts. On further consideration, I have decided to preserve the existing permanent reservation of the resorts as a further guarantee of the government's intentions. The bill therefore preserves the existing declaration of the resorts under the 1983 legislation and provides for their management in the new legislation.

I also indicated in introducing the previous bill that no decision had yet been taken on the future management arrangements for the smaller resorts of Lake Mountain, Mount Stirling and Mount Baw Baw. It was proposed that the Alpine Resorts Coordinating Council become the management body for these three resorts pending that decision. It is now proposed that a separate management body be provided for each of these resorts, similar to that established for the larger resorts. A number of individuals and organisations have indicated their interest in the future management of these areas and, although no decision has yet been taken, it is now considered more appropriate that separate management bodies be established.

During the consultation process a small boundary anomaly between Mount Stirling and Mount Buller was identified which would impede the effective separation of their management. It is therefore proposed within the existing permanent reservation to make an adjustment to the boundary at the Delatite River. This is identified by plan in the schedule to the bill.

Discussion has also taken place during the recess on the use of land bordering the Falls Creek resort which was largely contained in the past within the Kiewa Crown grant held by the SECV. The existing resort, as honourable members may be aware, was itself formerly part of the Kiewa Crown grant. Portions of the land bordering the resort have been subject to disturbance as part of the ongoing works of the SECV and its successor body, Southern Hydro. It has been decided that the most appropriate use of the land is as alpine resort and the bill therefore provides for the addition of land identified by plan in the schedule to the bill.

In introducing the previous bill I referred to the management of the alpine environment through planning controls administered by my colleague, the Minister for Planning and Local Government. I also indicated my intention to give directions to resort

management under this act about environmental issues in the resorts. In order to reinforce this intention, a provision has been added to the legislation conferring an obligation on resort management to carry out any functions in an environmentally sound way. This will mean that environmental considerations will be taken into account in any management decision, in addition to any specific directions which I may give.

In common with other honourable members I was deeply saddened by the recent disaster at Thredbo. In reviewing the bill, I considered it important that explicit provision be made for managing natural disasters which potentially could affect alpine resorts, as with any other area of the state. Fire risk is managed by agreement between the Fire Management Branch of the Department of Natural Resources and Environment and the Country Fire Authority.

In a wider sense, the Emergency Management Act uses municipal districts as the basic structure for the preparation of emergency planning, and the bill therefore deems an alpine resort to be a municipal district for the purpose of preparing an emergency management plan. The opportunity was also taken to review other legislation to determine whether similar amendments were desirable. The bill provides for application within alpine resorts of the EPA's waste management planning and reduction program.

The bill clarifies provisions over the grant of licences in alpine resorts to ensure that they are consistent with provisions of the Land Act and further provides for transitional arrangements for staff of the Alpine Resorts Commission. It also gives a power for resort management to enter into agreements with neighbouring public land managers to provide for management of Nordic ski trails which move across the boundaries of land tenures. This provision mirrors a provision in the 1983 legislation and ensures consistency of management of Nordic trails.

The level of support for the reforms proposed in this legislation has been very pleasing. The implementation of the reforms following the passage of primary legislation will be a major task for the new management bodies. I would like to put on record my thanks to Peter Howarth, the Chief Executive Officer of the Alpine Resorts Commission, who has played a major role in planning for the transition. I believe that although the workload for the new management bodies during the transitional period will be substantial, their efforts will be strongly supported by stakeholders and the end result will be an enhancement of the tourism and environmental qualities of Victoria's alpine resorts.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 13 November.

Mrs TEHAN (Minister for Conservation and Land Management) (*By leave*) — I referred to a schedule in the Alpine Resorts (Management) Bill. There should be a schedule, but on looking at the bill I see it is not there. I bring that matter to the attention of the house and undertake to ensure that the schedule is attached to the bill in printed form.

ST ANDREW'S FOUNDATION BILL

Second reading

Mrs WADE (Attorney-General) — I move:

That this bill be now read a second time.

This bill resolves a matter which has been outstanding since the closure of the St Andrew's Hospital in 1990. Since this time the hospital's board of management has continued to hold and administer an endowment fund comprising charitable gifts and donations made to the former St Andrew's Hospital but has been unable to distribute these funds since the hospital's closure. The board of management has sought the government's assistance to transfer this endowment fund, along with any outstanding existing or future bequests or gifts made to the hospital, to a charitable fund which will use the donations for similar but broader purposes than the former St Andrew's Hospital.

This bill achieves the wish of the hospital's board by transferring the endowment fund and future and existing bequests to the newly created charitable St Andrew's Foundation. This will prevent charitable donations being wasted on costly applications to the court to determine how the funds should be used since they are unable to be used for their intended purpose.

The St Andrew's Foundation is a charitable trust which has been established by representatives of the Presbyterian and Uniting churches. The foundation

will provide grants and donations towards hospitals, aged care facilities and community service programs provided by the Presbyterian and Uniting churches and other public benevolent organisations or institutions in Australia having objects similar to those bodies or to the objects of the former St Andrew's Hospital.

In addition to administering the funds which are directed to the foundation by this legislation, it is anticipated that the foundation will undertake fundraising appeals. The trust deed makes it clear that the majority of trustees will be persons who because of their position or activity in the community can be expected to have a high degree of responsibility to the community. In addition to the trustees appointed by the Presbyterian and Uniting churches there will be an independent trustee appointed by the other trustees.

This foundation will keep alive the memory of the former St Andrew's Hospital which has significance for the many Victorians who have some connection to the hospital, including those born there or who have had loved ones treated at the hospital.

I commend the bill to the house.

Debate adjourned on motion of Mr HULLS (Niddrie).

Debate adjourned until Thursday, 13 November.

RESIDENTIAL TENANCIES BILL

Second reading

Mrs TEHAN (Minister for Conservation and Land Management) — I move:

That this bill be now read a second time.

The Residential Tenancies Bill is a significant piece of legislation which continues the process of tenancy reform in this state. For the first time legislation affecting residential tenancies, the occupation of caravan parks and rooming house residency has been brought together into one single act written in plain English.

On its introduction in 1980 the Residential Tenancies Act represented a major overhaul of the arrangements governing private and public rental housing in Victoria. In 1988 the Caravan Parks and Movable Dwellings Act was introduced to ensure that appropriate rights and responsibilities were provided for long-term residents in caravan parks, as well as clarifying the terms and conditions of such tenure arrangements. In 1990, the Rooming Houses Act was introduced to recognise the particular housing arrangements that apply between owners/managers of rooming houses and their residents.

The Residential Tenancies Bill 1997 now provides clear and comprehensive legislation for these three categories of housing tenure, with common provisions where possible and separate provisions where they are required to preserve those aspects specific to a particular tenure type. This bill outlines procedural requirements for those seeking to understand their rights and responsibilities or resolve disputes.

According to the 1996 federal census, there were 389 000 Victorian households in rental accommodation, or about 25 per cent of all Victorian households. The rental sector included some 290 000 households renting privately, about 68 000 households in public rental and 5200 persons living in boarding houses. In addition, the Australian Bureau of Statistics tourist accommodation survey in June 1995 identified some 6300 households who were living as long-term residents in Victorian caravan parks.

Given these numbers, residential tenancies legislation is vital in striking a balance between the interests, rights and responsibilities of those who own or invest in a property which they make available on a leasehold basis for accommodation for others and the interests of those who make such accommodation an appropriate home for themselves and their families.

This bill is the product of extensive consultation and consideration of a wide range of views. It improves the clarity of the existing legislation, streamlines dispute resolution mechanisms through the Residential Tenancies Tribunal and introduces some important reforms and initiatives that will benefit all Victorians.

There are a number of key issues that are addressed and resolved in this bill. The differences between tenure types are reflected in the bill. A residential tenant has exclusive possession of the entire rented premises which the landlord may not disturb without cause. Rooming house and caravan park residents have shared use of communal facilities and the owner or manager is often also living on the site. Residency rights in caravan parks do not usually

arise until a person has occupied a caravan in the park for at least 90 consecutive days or where the caravan park owner has expressly consented to the caravan being occupied as a person's only or main residence. Caravan park provisions reflect the fact that caravan residents often need to deal with both the owner of the caravan and the owner of the caravan park, and the bill reflects the separate responsibilities of each of the parties in such cases.

Other factors specific to caravan parks and rooming houses include the wider range and variety of shared or communal services and facilities provided to residents. Such services and facilities can include the provision of meals, shared cooking facilities, communal bathrooms and communal living and recreation areas. The duties and obligations of rooming house and caravan park residents and owners reflect the specific nature of this type of accommodation, namely shared facilities and increased potential for interference or disturbance of an individual's quiet enjoyment or use of their room or van. Conversely, there are other duties and obligations imposed on residential tenants and their landlords which reflect the fact that the landlord and the landlord's agents are not usually present on the site.

Notice periods for remedy of breaches and for termination are generally shorter for rooming houses and caravan parks in recognition of the greater mobility of residents of such accommodation and the greater accessibility of the owner or manager. For a very small but important sector of our community the bill continues the security accorded to protected tenants, who are now quite elderly, in terms of part 5 of the Landlord and Tenant Act 1958. The bill provides for a number of important improvements which extend the coverage of the legislation and better define prevailing tenancy roles and responsibilities.

The bill introduces new provisions dealing with violence by tenants and residents of rooming houses, caravan parks and certain managed high-density residential developments. The new provisions permit the manager or owner of a rooming house or a caravan park or the manager of a managed high-density building to require a tenant or resident to leave the premises if a serious act of violence by the resident or tenant has occurred on the premises.

A request to leave, which must be in a prescribed form, has the effect of suspending the resident's or tenant's right to remain on or return to the premises until the end of two business days. If the landlord or owner makes application to the tribunal for an order of possession within this time, the suspension is automatically extended until the tribunal makes its determination. If the landlord or owner fails to make an application by the end of the second business day, the suspension is automatically lifted and the resident or tenant may return to the premises. A resident or tenant who remains on or returns to the premises during the period of suspension commits an offence and faces a penalty of 10 penalty units for each offence.

A resident or tenant who the tribunal determines has been wrongly requested to leave may claim compensation from the landlord for any loss suffered. This compensation would be in the form of the rent or hiring charges for the period of the suspension.

The bill resolves difficulties currently experienced in determining whether goods left behind by a tenant after termination of a tenancy should be stored. The existing provisions had been interpreted to require an assessment of the relative value and storage cost of each good of value left behind. Consultation revealed that this often resulted in tenants' household furniture being destroyed, as each item was of little value. This provision now requires consideration of the combined value of all goods left behind and the total removal, storage and sale cost of such goods. The new provisions will protect all of a tenant's goods up to a combined value of those goods.

The bill also introduces new provisions to protect a tenant's personal documents from destruction if left behind at the end of a tenancy. In the past, personal documents were sometimes destroyed by landlords, as being of no monetary value. Personal documents are defined in the bill as official documents, photographs, correspondence and any other document which it would be reasonable to expect that a person would want to keep. A former landlord or owner of a rooming house or caravan park must take reasonable care of such documents for at least 28 days before they may be disposed of according to law.

This bill specifically addresses deficiencies in the existing rental bond system. Under the current rental bond system bonds are not held by a party neutral to the tenancy agreement, returns on the investment of bond moneys are not maximised and there is a degree of non-compliance with the current bond lodgment procedures.

The bill replicates much of the existing policy relating to residential bonds, such as condition report requirements, maximum bond limits and rules relating to the entitlement to the bond. However, there are changes to these provisions to accommodate the proposed centralised administration of all residential bonds by a central bond manager and to streamline the rental bonds lodgment, refund and entitlement system.

The bill provides for a single person body corporate, to be known as the Residential Tenancies Bond Authority, which will contract the services of a central bond manager to administer the rental bond system. This contract will be awarded after a competitive tendering process has been conducted. The central bond manager will administer the rental bond system on the following basis:

bond moneys and a bond lodgment form will be lodged with the central bond manager by the landlord or agent;

the bond moneys will be paid into a central trust account by the central bond manager;

the central bond manager will provide payment acknowledgment to both the tenant and landlord, or agent;

applications for refunds of bond moneys will be forwarded to the central bond manager by post or a pre-registered facsimile service with refunds made in the most cost-effective manner, preferably by electronic funds transfer; and

investment income earned on moneys standing to the credit of the central trust account will be utilised for a number of purposes, including providing income to the Residential Tenancies Fund to discharge functions under the legislation.

The implementation of a central bond authority will address the key areas of concern with the current rental bond system by improving compliance with bond lodging requirements, enhancing interest returns on moneys held and providing for the neutral holding of the bond moneys.

The bill allows for part of the income earned from the investment of moneys held to be returned to tenants. The Minister for Fair Trading will specify an interest rate from time to time if it appears that there is sufficient surplus available after consideration of market interest rates, the cost of services under the bill and any other sources of income for the Residential Tenancies Fund.

A new notice provision has been introduced into the bill to clarify the procedures for terminating a fixed term tenancy agreement at the end of the term in an efficient manner. There are also new notice provisions which offer a balanced requirement for landlords to give tenants adequate notice where they seek to regain possession of the property at the end of a fixed term.

A notice to vacate must be used by a landlord to advise the tenant that the fixed term agreement will terminate at the end of the fixed term period. Specific notice periods apply for tenancies of less than six months duration and for those of six months or more. A subsequent notice must also be served if the landlord intends to use the alternative fast-track method at the Residential Tenancies Tribunal, provided for in the new legislation, to gain possession of a property should the tenant remain after the end of the fixed term. The tenant has a number of opportunities in this process to make an objection to the Residential Tenancies Tribunal.

The new alternative possession method is a fast-track procedure introduced into this bill. Given that 80 per cent of order of possession cases before the tribunal are currently undefended, the alternative procedure provides significant opportunity to streamline the operations of the Residential Tenancies Tribunal.

The fast-track procedure may only be used where the landlord is applying for an order or possession based on rental arrears or where appropriate notices to end a fixed term tenancy have been served. The landlord is required to give or serve on the tenant a copy of the relevant notices to vacate, a copy of the landlord's application under the alternative procedure, two blank notice of objection forms for the tenant to use, and a statement of the tenant's rights.

If the tenant lodges an objection, the alternative procedure cannot be used and the matter proceeds to a tribunal hearing in the usual way. If the tenant does not lodge an objection, the application is to be dealt with on the papers by the registrar of the tribunal. The papers will consist of the landlord's application, together with a supporting affidavit of evidence, details of the tenancy, the rent owing and/or other relevant information. Where the fast-track system is used for rental arrears, the tenant must owe at least 14 days rent to the landlord.

A determination by the registrar in accordance with the alternative procedure for possession is deemed to be a determination by the tribunal. A tenant may apply to the tribunal for review of the registrar's decision using existing provisions which enable a review of other ex parte decisions. Hearing delays have frustrated both landlords and tenants alike and this bill provides opportunity for timely hearings for disputes over urgent repairs, resolution of rental arrears and speedy consideration of issues relating to violence on certain premises.

Provisions which facilitate the government's reforms in public housing are contained in the bill. These provisions allow statutory authorities engaged in the provision of housing to give a tenant a notice to vacate where the tenant is no longer eligible for housing assistance against eligibility criteria. A requirement that the eligibility criteria be published in the *Government Gazette* provides necessary protections for the tenant that their eligibility is assessed against defined and available criteria.

The bill has been underpinned by a most comprehensive, open and valuable consultation process and two important consultant studies. These processes have all contributed to the final drafting of the bill. Consultants reviewed the draft provisions in accordance with competition policy and recommended a number of amendments to ensure that anti-competitive elements were removed. The most significant of these were:

the removal of any restriction on the period between rent increases, while maintaining mandatory notice periods; and

the reduction of the notice period for a notice to vacate for no specified reason from six months to three months.

The bill is extensive, and the provisions aim to substantially improve residential tenancies legislation in this state. Victoria has been the leader in fair and effective residential tenancies legislation in this country, and this bill will further establish such benchmark arrangements in tenancy law.

I commend the bill to the house.

Debate adjourned on motion of Ms KOSKY (Altona).

Debate adjourned until Thursday, 13 November.

DISTINGUISHED VISITOR

The SPEAKER — Order! I recognise the presence in the gallery of Mr Stephen Balch, the member for Jingili and Government Whip in the Northern Territory.

GAS SAFETY BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this bill be now read a second time.

The bill is an integral part of the government's gas industry reform program. That program has been carefully designed to deliver significant benefits to the state by creating a more competitive, open and responsive gas supply industry. The bill will ensure that safety standards are maintained after disaggregation of Gascor and the Gas Transmission Corporation.

Until recently the Gas and Fuel Corporation and its successors, Gascor and the Gas Transmission Corporation (GTC), regulated safety outcomes for the gas industry. With corporatisation and now disaggregation of Gascor and GTC it is desirable to introduce a rigorous yet efficient regulatory regime for gas safety. In part, this objective has been achieved through the Gas Industry (Amendment) Act 1997. That act established the Office of Gas Safety which assumed the safety regulatory functions previously performed by the Gas and Fuel Corporation. It gave the office responsibility and powers for administration of gas safety standards, oversight of the safety of the gas industry, public education with respect to gas safety issues, responsibility for the investigation of incidents with implications for gas safety and the protection of consumers through appropriate appliance approval processes.

The government considers that it is desirable to separate safety regulation from economic regulation. To that end, the safety-related provisions of the Gas Industry Act have been extracted from that act and are now consolidated in this bill. The bill provides for the continuation of the Office of Gas Safety as an independent statutory authority performing the safety functions vested in it by the bill.

The Gas Industry (Amendment) Act 1997 created general duties for Gascor and GTC in respect of gas safety. The bill imposes those safety duties on all

persons involved in the management and operation of a gas transmission, distribution, or retail business. In order to ensure appropriate safety procedures are adopted, a person operating a transmission, distribution or retail business, or seeking to establish such a business, must submit a safety case to the Office of Gas Safety.

A safety case is a document describing in detail the operating and management practices adopted by a business that seeks to minimise, to the extent practicable, the risks and hazards arising from its use of gas. It will focus on a range of issues, including staff training and supervision strategies and risk management techniques.

The safety case regime has been identified as the most appropriate regulatory framework for the supply sector of the Victorian gas industry. It represents a light-handed approach in that it avoids prescriptive regulation and therefore reduces compliance burdens for gas companies but at the same time is able to minimise the risks associated with the conveyance and supply of gas.

The office will agree to the terms of the safety case with the operator and may reject a safety case if it does not meet prescribed criteria. In the case of existing gas operations, the office may then impose a safety case if the relevant business does not submit its own safety case in a form acceptable to the office. In the case of a new entrant to the industry, acceptance by the office of that company's safety case will be a precondition to their commencing operations. The safety case regime will ensure that only persons able to demonstrate that they can meet the general gas safety duties will be able to operate a gas transmission, distribution or retail business.

With respect to the use of gas, industrial companies with large gas-consuming equipment and comprehensive safety management systems will have the option of submitting a safety case for their operations as an alternative to complying with prescriptive regulations. The office will only approve such an action if safety levels at least the equal of those achieved under the regulations are achieved. This initiative will generate efficiency gains for such companies and continue to preserve acceptable safety standards.

The bill gives the office power to audit compliance with approved safety cases and provides the office with investigative and enforcement powers to investigate gas incidents and to monitor safety generally within the gas industry. The office has an additional power to give certain directions to industry participants.

In addition, this bill enhances the office's role in maintaining safety standards within the gas industry by introducing more comprehensive provisions for the regulation of gas appliances and installations and grants the office the power to apply a consistent regulatory framework across the entire range of gaseous fuels utilised in Victoria. The office is given power to recall unsafe appliances in the interests of consumer safety.

Part 1 of the bill provides for the commencement and describes the purpose of the bill. Part 2 of the bill constitutes the Office of Gas Safety and provides for its powers, functions, appointment of staff and, in keeping with government policy, provides that it must prepare an annual corporate plan to ensure that it remains accountable to the responsible minister. Part 3 of the bill establishes the new safety case regulatory regime for managing the safe transmission, distribution, supply and sale of gas. It also establishes the regime for approval and acceptance of gas installations and appliances. Part 4 of the bill establishes a Gas Appeals Board to hear appeals from certain decisions of the office. Part 5, part 6 and part 7 of the bill respectively give the office its inspectorial powers and its powers of enforcement and give the Governor in Council the power to make regulations with respect to gas safety issues.

I commend the bill to the house.

Debate adjourned on motion of Mr LONEY (Geelong North).

Debate adjourned until Thursday, 13 November.

GAS INDUSTRY (FURTHER AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this bill be now read a second time.

The bill represents a significant step in the government's program for the reform of the Victorian gas industry and is an integral part of the government's energy sector reforms.

Victoria has shown strong national leadership in the area of energy sector reform, with almost all of the

state's electricity assets having now been restructured and privatised. The success of the electricity privatisations, realising total proceeds which now exceed $22 billion, gives a clear demonstration of the confidence which national and international investors have in the long-term economic future of Victoria as well as in the commercial and regulatory structures which have been established through the energy sector reform process.

While the objective of reducing state debt has been important, the government's overall priority has been and continues to be to create new and dynamic markets that will secure low-cost energy for the state's energy consumers. As has been demonstrated in the electricity supply industry reforms, the government is committed to establishing competitive market and regulatory structures to ensure that all consumers of energy are well served, that competitive pressures in the market are maximised to ensure the lowest sustainable prices and that service standards continue to meet consumers' expectations.

Consistently with that objective, this bill addresses both the future market structure for the Victorian gas industry and the regulatory arrangements which will apply to it. In the next session, further legislation will provide for:

any necessary amendments to accommodate developments in national gas reform;

cross-ownership provisions; and

other provisions to facilitate privatisation of the gas industry.

In 1994 the former Gas and Fuel Corporation of Victoria was split into two new statutory corporations under the Gas Industry Act 1994. They were the Gas Transmission Corporation, which assumed responsibility for the ownership and operation of the state's high pressure transmission pipelines, and Gascor, which assumed responsibility for the low pressure gas distribution and gas retailing functions formerly carried on by GFCV. This bill provides for the further disaggregation of GTC and Gascor in order to create a competitive and dynamic market structure for the state's gas industry.

The bill will allow Gascor to be formally disaggregated into three gas distribution businesses and three gas retailing businesses, each operating in separate defined geographical areas. The geographic territory of each business has been designed on a non-exclusive basis and deliberately calculated to promote gas on gas competition and competition between electricity and gas. A central services company will also be established formally to provide such services as information technology and a customer call centre.

GTC will continue to own and maintain the high pressure pipeline business through a new corporate structure. Certain of its functions relating to the control of the gas transmission system will be transferred to an independent transmission system operator called Victorian Energy Networks Corporation or Vencorp. Vencorp is established as a statutory corporation under the bill and will have responsibility for administering a new gas spot market. The spot market is designed to facilitate more efficient balancing of gas flows in the transmission system and to provide greater price transparency. Vencorp's objectives in operating the market will be to establish a competitive, reliable and efficient market for gas in which market participants can choose with whom they trade, in which third parties are granted access to the gas transmission system on fair and reasonable terms, in which the trading of gas from different sources is not differentiated and in which prices are governed as far as practicable by commercial and market forces rather than by regulation.

The second significant feature of the bill is the new regulatory structure which it creates. In addition to authorising the establishment of rules for the operation of the gas market to be administered by Vencorp, the bill introduces a new regime for third-party access to natural gas distribution and transmission pipelines. The bill authorises the establishment of a Victorian Access Code which will specify detailed arrangements under which third parties may obtain access to services provided by the gas distribution and transmission systems on commercially negotiated terms or, where such terms are unable to be agreed, through binding arbitration. These arrangements will be administered and regulated by the Australian Competition and Consumer Commission with respect to the transmission system and by the Office of the Regulator-General in relation to the distribution system.

The regulatory arrangements for third-party access follow closely the arrangements which have been developed at a national level by the Gas Reform Task Force and its successor, the Gas Reform Implementation Group. The national scheme has

been developed by all Australian jurisdictions and participating industry groups. When the national scheme has been finalised and legislation enacted by the commonwealth and the other participating jurisdictions, which is expected to occur by the middle of 1998, the national law as enacted in Victoria will replace the third-party access provisions contained in this bill.

The bill also establishes licensing arrangements for gas distribution and gas retailing similar to those which apply in the electricity industry. The licensing provisions will be administered by the Office of the Regulator-General and will ensure, among other things, the maintenance and ongoing monitoring of customer service standards.

Part 1 of the bill contains formal provisions stating its purpose and providing for its commencement. Part 2 contains extensive amendments to the Gas Industry Act 1994. Various new definitions are inserted in the act which, for the most part, recognise the creation of the new gas companies and insert terms used in the new regulatory provisions.

Part 2 also introduces the distinction between franchise and non-franchise customers and sets out the timetable over which all customers will eventually become non-franchise customers and, consequently, will have complete freedom to choose their gas supplier. From 1 September 1988 customers whose annual gas consumption exceeds 500 000 gigajoules will become contestable. The threshold will reduce to 100 000 gigajoules on 1 September 1999 and to 5000 gigajoules on 1 September 2000. All customers will be contestable on and after 1 September 2001. Part 2 establishes Vencorp as a statutory corporation and sets out its powers and functions. The bill includes provision for a review of Vencorp's role as an independent transmission system operator in 2007.

As already noted, the new regulatory arrangements established in part 2 provide for certain regulatory functions and powers to be conferred on the ACCC, with respect to transmission pipelines in the state, and for the Office of the Regulator-General to regulate the distribution system. The principal regulatory instruments which are to be made and enforced under the provisions contained in the bill are licences for gas distribution and gas retailing, market and system operation rules, which will govern the market for gas operated through the existing GTC transmission system, and a third-party access code providing for access to transmission and distribution pipelines. The bill includes detailed provisions for the enforcement of these regulatory instruments and provides for administrative review of certain key regulatory decisions.

Consistent with the current national proposals, the access provisions are supplemented by a statutory prohibition on engaging in conduct for the purpose of hindering access to transmission or distribution pipelines. The regulatory arrangements also include provision for a tariff and charges order regulating the retail price of gas to gas consumers as well as charges for connection to and use of distribution and transmission pipelines.

Part 2 contains a number of further consequential amendments to the Gas Industry Act, principally to reflect the fact that the competitive gas companies will be carrying on the activities formerly carried on by GTC and Gascor. In addition, the Trade Practices Act authorisation contained in part 6B of the Gas Industry Act, which relates to the gas supply contract negotiated at the end of last year between Esso-BHP and Gascor, is extended to cover any subsales under that agreement by Gascor to the new businesses.

Part 2 also introduces amendments to the existing statutory allocation provisions in the act to facilitate the transfer of property, rights, liabilities and staff from GTC and Gascor to the new businesses. New allocation provisions are introduced to facilitate the statutory transfer of property, rights, liabilities and staff from those businesses to purchasers as part of the privatisation process. A new part 13B is introduced to authorise the Treasurer to be a party to any agreement relating to the privatisation of the new businesses and to ensure that the commercial confidentiality of details relating to bids received for the new businesses in the privatisation process are exempt from the Freedom of Information Act 1982.

Part 3 of the bill contains various miscellaneous amendments to other acts which, again, are principally for the purpose of recognising that the new businesses will be carrying out functions previously performed by GTC and Gascor.

As I indicated at the outset, the bill represents a significant step by the government in the reform and revitalisation of the state's gas industry and provides the foundation for the government to deliver further substantial benefits to the state's energy consumers.

I commend the bill to the house.

Debate adjourned on motion of Mr LONEY (Geelong North).

Debate adjourned until Thursday, 13 November.

HEALTH SERVICES (ST ANDREW'S HOSPITAL) BILL

Second reading

Dr NAPTHINE (Minister for Youth and Community Services) — I move:

That this bill be now read a second time.

The purpose of this bill is to provide for the outstanding succession issues related to the closure of St Andrew's Hospital and, in particular, to provide for:

(a) the repeal of the St Andrew's Hospital Act 1978 and the St Andrew's Hospital (Guarantee) Act 1978; and

(b) the successor legal entity to the hospital.

St Andrew's Hospital encountered financial difficulties in 1985. In July 1985, a receiver and manager, Mr Christopher Thomas Daly, was appointed by the then Treasurer under the mortgage debenture taken by the Treasurer to secure the state's obligation under the guarantee it had provided to secure the borrowings of the hospital. The hospital ceased operating in 1990 and Mr Daly sold the hospital site to the Peter MacCallum Cancer Institute with the final payment in relation to the sale being made on 1 June 1993. Advances made to the hospital by the state totalling $23 043 554.22 were irrecoverable and were written off in 1992–93 financial year.

Mr Daly has indicated that the termination of his appointment as receiver and manager can now occur provided arrangements are in place to enable former patients to bring potential legal actions for medical malpractice against the hospital. These arrangements also need to provide for the endowment fund currently held by the hospital's board and the ongoing storage of the hospital's records and patient medical records.

This bill makes the Secretary to the Department of Human Services, who is established as a body corporate under the Health Services Act 1988, the successor legal entity to the hospital. The secretary will become responsible for those functions currently performed by Mr Daly such as arranging for the premiums to be paid on the hospital's medical malpractice and public liability insurance policy and the storage of records. Once the secretary becomes the successor legal entity, Mr Daly can be relieved of his duties as receiver and manager. I would like to take this opportunity to thank him on behalf of the state for performing those duties in an exemplary manner.

Honourable members will be aware that there is a separate bill before the house which provides for the endowment fund held by the hospital's board and for any future bequests left to St Andrew's Hospital to be directed to a charitable trust, to be known as the St Andrews Foundation. This bill, together with the private bill, will satisfactorily finalise all the loose ends left following the closure of St Andrew's.

I commend the bill to the house.

Debate adjourned on motion of Mr BRACKS (Williamstown).

Debate adjourned until Thursday, 13 November.

STATE TAXATION (AMENDMENT) BILL

Second reading

Debate resumed from 9 October; motion of Dr NAPTHINE (Minister for Youth and Community Services).

Mr BRACKS (Williamstown) — The opposition does not oppose the State Taxation (Amendment) Bill 1997. It is one of a number of bills that have been regularly brought before the house to close loopholes. It covers the four key revenue-raising mechanisms of the state — stamp duty, debits tax, land tax and financial institutions duty.

The bill is designed to do two things: the first is to close loopholes which exist from time to time and by which people seek to avoid their taxation obligations; and the second is to enshrine in legislation rulings of the State Revenue Office in relation to taxation, and to be more explicit in the legislative provision for those rulings.

The opposition has no argument with this matter. Since I have been shadow Treasurer, and I am sure before, we have consistently supported sensible amendments to taxation bills that will ensure that the revenue-raising capacity of the state is not encumbered, that avoidance is not going on unchecked and that legislative loopholes are closed.

The bill is designed to remedy potential loopholes. One example is the prevention of corporate investors minimising their liability to pay stamp duty by artificially splitting chattels and land in respect of any new purchase of land. This is the one matter in the bill on which there has been some publicity. On 20 October 1997 the *Australian Financial Review* ran an article by Michael Cave which quoted Mr Derek White, tax manager for Deloitte Touche Tohmatsu, as stating that the change threatened to have possibly unintended but adverse effects for businesses in Victoria, and the article goes on to say what they are.

I disagree with Mr White — as, I am sure, would the Treasurer. The majority purpose for the splitting of chattels from property is to lower the valuation of the land and therefore lower stamp tax liability. I do not support the views of the Deloitte Touche Tohmatsu spokesperson as published in the *Australian Financial Review*. The bill provides a sensible change that will stop the practice of separating chattels from land, which is really an attempt to reduce liability for stamp tax payable on the transfer of land.

The next example of closing a potential loophole is this requiring a cessation of the regular use of exempt bank accounts to avoid financial institutions duty. That is supported by the opposition. Exempt bank accounts should not be used for that purpose. The outlawing of artificial capital reductions and buybacks designed to minimise stamp duty is also supported by the opposition.

The bill closes loopholes relating to trustee arrangements that are designed to avoid stamp duty by the selling land through such arrangements rather than by the use of explicit transfers of title. The bill better defines the stamp duty exemption in relation to the transfer of a single farming enterprise to a relative of the owner. Although it is important that exemptions be granted in relation to the transfer of titles to family members, there can be abuse of such exemptions and it is important to better define how that might occur so that the appropriate level of stamp duty is paid. Those major changes are supported.

The bill also provides legislative cover for regular administrative rulings of the State Revenue Office, including the current practice of the office in cases where a council valuation for certain land exists and a subsequent subdivision of that land is not accompanied by a revaluation. I understand that in such circumstances the practice of the office is that the original valuation stands in the absence of any new valuation and calculations are made on a proportional basis.

If, for example, the subdivision divides the land in half the original valuation is simply halved rather a new valuation being sought. That is a sensible and current practice. The bill enshrines that practice by putting into legislation administrative decisions of the taxation commissioner. It is a practical move.

The bill also allows certain education-related activities to obtain payroll tax exemption status. The previous amendment bill further clarified payroll tax exemption for education purposes but clearly was not explicit enough. I was informed during the briefing I received on the bill that certain representations were made to the government, particularly from outdoor education enterprises that found themselves potentially not exempt from payroll tax even though they were performing educational activities. The change accords with the intention of previous amendments I referred to. Legislative changes are clearly required to provide for the ongoing task of recognising and catching up with electronic banking for the purposes of, in this case, the Stamps Act.

In essence the opposition does not oppose the bill. We support the amendments and will continue to support similar sensible amendments that seek to secure the revenue base of the state. I give that commitment as shadow Treasurer on behalf of the opposition.

I refer to the tabling this week of the government's financial accounts — the introduction of accrual-based accounting as compared with the previous practice of using cash and capital accounts and a progress report on how the government is travelling in taxation receipts compared to its budget proposals. I have noted it many times and I cannot emphasise strongly enough that it has happened again: for the past five years on every occasion the government's budget has been well out on the collection of taxes, fees and fines. It has always been underestimated on average by several hundred million dollars. The budgeted figure for total taxes, fees and fines, excluding the privatisation proceeds for this financial year, was $8.297 billion and the actual figure was $8.478 billion. The government has consistently under-estimated this revenue, this time by $180.6 million.

Mr Reynolds interjected.

Mr BRACKS — It is done intentionally to stop ministers such as the Minister for Sport from putting in claims. If the government can hide the figure it thinks the budget will achieve it can put off funding bids of the Minister for Sport and his constituents. That is the trick. Ministers should stand up in cabinet and say, 'For every occasion in the past five years you have actually received in revenue more than you budgeted for — come clean! You must be able to predict on one occasion in the past five years a budget outcome. You have not been able to do it yet'.

This practice is not confined to the revenue side of the budget. In the past five years there has been underspending on capital outlays of $1 billion in total and underspending of $366 million in the budget this financial year. I accept that it might be good conservative housekeeping but it is not honest to not fairly pitch a budget on what it is thought actual revenue and capital and recurrent spending will be. That is not being honest and accountable to the public. The budget should be the best estimate of what the figures will be.

It should be your best estimate, not a continual underestimating for the purpose of suppressing demand from the business community for proper tax reductions, and not presenting distorted figures which will suppress demand for service improvement and for repairing the social infrastructure that has been decimated over the past five years under this government. The budget should represent a fair return to the taxpayers, with some gain for the pain Victorians have suffered. The government has persisted with this distortion for the past five years, and it continues with it.

This state needs what the federal counterpart of this government, the federal coalition, has introduced in the form of the Budget Honesty Bill which I believe is currently before the Senate. Such a bill would ensure that the Victorian public was informed of the state of the current accounts, not just for the periods that the government nominates, but also and particularly before an election is held. Government has an onus to accurately present to the public an update on the current and capital accounts — not to present the accounts only on an accrual accounting basis. That minimum requirement of any government should be met by this government, and it has already been introduced by its federal counterpart. The alternative is the continual distortion of the accounts by the Treasurer, who says whatever he wants and tells us that the sky is falling in — and when it does, he wants to be congratulated! The opposition does not oppose these sensible amendments and is happy that the loopholes are being closed with the introduction of legislation on some matters that have previously been neglected.

Mr A. F. PLOWMAN (Benambra) — I cannot believe I heard correctly what the honourable member for Williamstown said! He supports the bill, yet he made unbelievable comments about whole-of-government accrual account reporting. He should have been at the Public Accounts and Estimates Committee breakfast with the members of Treasury, including Mr Mike Vertigan, where this was explained. He is a member of that committee; I do not understand why he was not there. If he had been, he would have clearly understood that this whole process is one of transparency. He talks about a Budget Honesty Bill — how would that have been received over that 10-year period of the former Labor government when so-called budget honesty was anything but honest?

The honourable member's other point was that what has been reported in the government financial statement on an accrual accounting basis is not honest. Not honest? Anyone who has looked at the budget and understands — as the honourable member for Williamstown does — how accrual accountancy works would know that it opens up transparency. How could he say it is not honest? He describes it as a distortion. The budget is not a distortion but is based on the best available evidence and the financial statement is based on accrual accounting principles in which Victoria leads the rest of Australia.

The statement presented this morning is an excellent example of the improvement in reporting through the introduction of accrual accountancy, and I am surprised that the honourable member for Williamstown should take the stand that he has. However, I am delighted to acknowledge that he supports the bill, because it will keep debate to a bare minimum.

The State Taxation (Amendment) Bill makes it clear that amounts transferred into the accounts of public bodies — including hospitals, schools, TAFE colleges and universities — are exempt from debits tax. This fact can no longer be disputed, as it could have been prior to this essential amendment.

I am delighted to see the amendment to the Financial Institutions Duty Act 1982. As the Treasurer said in his second-reading speech, the amendment will ensure that an amount received by

a person in the course of reinvestment as a short-term dealing is liable to duty at the rate applicable to a short-term dealer. I am conscious that there is an area of anomaly where money is transferred by financial institutions across the border. The anomaly occurs with the lodgment of funds into a banking institution and that bank transferring it across the border into a branch on the other side of the border. The transaction attracts a double dip of financial institutions duty.

I would like to see the anomaly addressed in future reviews of the State Taxation Bill. Although I wholeheartedly commend the bill, this area still needs to be addressed.

Mr CLARK (Box Hill) — The opposition support for the bill is welcome, as is the comprehensive grasp of the honourable member for Williamstown of those aspects of the bill to which he referred. It is unfortunate that he then felt obliged to go on and have a few swipes at the government on a broader front. I wish to respond briefly to two aspects of his contribution.

The first is the honourable member for Williamstown's reference to the fact that in recent years revenue outcomes have exceeded estimates of revenue. He suggested that that was due to deliberate underestimating of revenue on the part of the government. That suggestion is a reflection on the probity and the ability of the budget process and the officers involved in undertaking the estimates. The officers prepare estimates of revenue based on their best professional assessment of revenue in the forthcoming year. We have been very fortunate that in recent years the economy has been on a strong and steady recovery out of the black hole we inherited from our predecessors.

In the past several years the property market and the stock market — at least until the past few days — have been running with a great deal of confidence. It is understandable that the revenue figures have therefore well exceeded expectations. I may add that if the turnover figures stay up, even with the dip of the past few days, revenue will continue to flow from that. It is a good thing for the state that this upturn in the economy has taken place and confidence has been rebuilt under the current government. The state is moving ahead, and that is something to be welcomed rather than deplored.

I also make the point that one needs to contrast estimates of revenue with estimates of recurrent expenditure. I well recall the days of the former Labor government when the actual outcomes vastly differed from budget estimates. The actual recurrent expenditure constantly exceeded the estimates. The honourable member for Williamstown acknowledges that that is bad, but I make the point that the government has far greater ability to control its level of recurrent expenditure, particularly departmental expenditure, than it does revenue where, subject to policy changes such as taxation rates, actual receipts are affected by the fate of the economy and are outside the control of the government. Current expenditure, particularly departmental costs, can be firmly controlled by the government through good management, and that is where the former Labor government consistently failed.

The honourable member for Williamstown also referred to the recently introduced accrual accounting system. As the honourable member for Benambra said, it is a major step forward. I well remember during the days of the former Labor government the then Minister for Finance — I forget whether it was the honourable member for Northcote or the former member for Mitcham — proudly proclaimed the policy decision to introduce accrual-based reporting at a conference on government financing. It has taken all this time to be introduced. This government made it happen. The Kennett government has introduced some of the most comprehensive reforms to reporting and financial management that have been introduced into the state, and this builds on the solid work already undertaken in financial management reform during the term of the government.

The honourable member for Williamstown's criticisms of the government are unfounded, but the support for the measures contained in the bill is welcome.

Mr REYNOLDS (Minister for Sport) — On behalf of the Treasurer I thank the honourable members for Williamstown, Benambra and Box Hill for their succinct and knowledgeable contributions to the debate. The honourable member for Williamstown was critical of the Treasurer because he said he had underestimated government income and that some government outlays were not realised. His comments are amazing. Having been a member of this place during the full term of the former Labor government I am aware that the then government's income was always less than expected and that it always overspent on current expenditure, which is why the Kennett government was faced with a $33 billion debt to pay off.

Prior to the 1988 state election some of the borrowings were hidden from the community and the then federal government did nothing about it. I am amazed that the shadow Treasurer would say that the Treasurer is at fault. I would have thought that underestimating earnings and underspending is the reverse of what the shadow Treasurer is implying. I thank honourable members for their contributions and I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CRIMES (AMENDMENT) BILL

Second reading

Debate resumed from 29 October; motion of Mrs WADE (Attorney-General); and Mr HULLS's amendment:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this bill be withdrawn and redrafted to — (a) enable the house to separately consider — (i) division 1 of part 2 of the bill; and (ii) the clauses dealing with the new forensic sample regime in part 4; and (b) include proper mechanisms to annually monitor and report to Parliament the impact of the bill on a victim's court experience; (c) include definition of 'substantial relevance' in relation to prior sexual history; (d) allow for initiatives to preclude the serving of a subpoena for victim's counselling notes and files; and (e) allow appropriate consultation procedures on the impact of people's rights as a result of increasing police powers'.

Mr HULLS (Niddrie) — Yesterday I said this legislation is extremely important and made the point when dealing with the issue of victims of crime that the government has an absolutely appalling record. Consultation undertaken with victims of crime led members of Parliament to the clear view that what victims want is the reinstatement of pain and suffering provisions. The government, particularly the Attorney-General, took away that right of victims. Whenever the rights of victims are raised the honourable member for Berwick laughs and walks out of the house. He does not care about the pain and suffering faced by victims of crime. It should be of grave concern to all victims.

Last night I referred to some of the concerns the opposition has about the legislation. I talked about propensity evidence and the case referred to by the Attorney-General in her second-reading speech, *Pfennig v. The Queen*. I believe the Attorney-General has misunderstood what that case is all about. Last night I quoted from the footnote of the case. It is important to understand that the legislation affects some longstanding legal practices regarding evidence — the taking of evidence and the sort of evidence allowed in trials.

In the second-reading speech the Attorney-General said that the introduction of the bill would change the law. That is clear. The Attorney-General also stated:

> Accordingly, the mere possibility of concoction, collusion, infection or coincidence will not be a ground for inadmissibility of propensity evidence leading to the separation of trials. However, implicit in the provision is the notion that where the court is satisfied that there is a substantial risk of concoction having occurred it would not be just to admit the evidence in a single trial.

It seems to confirm the Attorney-General does not understand the nature of the Pfennig case, which deals with single fact and propensity evidence rather than the separation of trials. As I said last night, I have some real concerns that there will be miscarriages of justice as a result of the introduction of this legislation.

The final aspect of the deal I want to concentrate on, which is dealt with in the reasoned amendment, is the aspect of forensic procedures. The opposition is greatly concerned about that provision and its concerns are reflected in the reasoned amendment, paragraph (e) of which states that the bill be withdrawn and redrafted to:

> allow appropriate consultation procedures on the impact of people's rights as a result of increasing police powers.

The legislation will drastically increase police powers. When dealing with law and order issues a balance has to be struck between the rights of individuals and the needs of the police to undertake law enforcement. The third part of the equation is the wishes of people generally to live in a safe environment.

I do not think any member of the house would disagree with that. It would be easy to dramatically

reduce the crime rate in any given state by introducing draconian laws that impinge significantly on people's rights. That is why we have to ensure there is this fine balance. For instance, the government could introduce a curfew in this state ensuring that no-one was allowed out on the streets after a particular time, say, 10 o'clock at night. Obviously the introduction of such a law would reduce the numbers of road deaths, street offences, assaults, robberies and the like.

Ms McCall interjected.

Mr HULLS — I take up the interjection of the honourable member for Frankston. I think she said there would be fewer drunk politicians out on the streets as well, and that may well be the case, particularly in her electorate. Society would certainly not wear such laws. People want their freedom; they want to be able to choose. Of course people cherish their liberty in a democratic society and they realise there are certain consequences of living in a free and democratic society. However, I do not believe the proposals in this legislation and the powers that are to be given to the police get the balance right. I believe they go too far, and I will explain why shortly.

Some aspects of the legislation can be described only as heading towards being draconian; they almost go as far as being described as police-state stuff. Some comparisons can be made between the powers that will be given to the police under this legislation and the powers that were given to the police under the Bjelke-Petersen regime in Queensland. I have the utmost faith in members of the Victoria Police and believe they also understand the need for protecting people's liberty and getting the balance right.

I refer the house to page 173 of the Fitzgerald report, which specifically considers the need to find the balance. In commenting on the criminal justice system, the report refers to finding an appropriate balance between giving law enforcement agencies increased powers and protecting the civil liberties of individuals of the state. It states:

> Criminal justice law reform activities should, so far as is possible, be removed from the party political process and the bureaucrats who participate, and should also be distanced from any bias towards a particular point of view.

The report then comments on law reform:

> Any recommendatory body which is associated with criminal law enforcement organisations is likely to develop a bias towards an expansion of law enforcement powers. Deliberate attempts should be made to counter such a development by the inclusion of people committed to the expansion of civil rights. It may be desirable (not a cause for shame, as it is commonly regarded) if there are regular, dissenting reports as a result of such inclusions.

I agree with the sentiments of Tony Fitzgerald. On page 180 the report refers to police powers:

> Police have repeatedly complained —

of course, we are talking about Queensland in this instance, but no doubt it is the same in most other states around Australia —

> with little basis, that the criminal law in some areas is inadequate ...
>
> The police perception of supposed difficulties in such areas is largely unjustified ...
>
> Rather than merely being given more powers, what police need is better instruction about the present ambit and exercise of their powers.

I suggest that is probably a fair comment. From time to time it is necessary to give police increased powers, but when we do so we always have to keep in mind the need to maintain the appropriate balance between law enforcement and people's civil liberties.

Under the proposed legislation people can be asked to undergo forensic procedures in certain circumstances, and if they refuse they can be forced to undergo such procedures by a court of law. Section 464 of the Crimes Act provides the following definition:

> '**forensic procedure**' means the taking of a sample from any part of the body, whether an intimate or non-intimate sample or any other type of sample, or the conduct of any procedure on or physical examination of the body but does not include the taking of a fingerprint.

I am reading this into *Hansard* so that honourable members are absolutely clear of the intrusive nature of the types of samples we are talking about:

> '**intimate sample**' means—
>
> (a) a blood sample;

(b) a sample of pubic hair, including the root if required;

(c) a swab, washing or sample taken from the external genital or anal region of a male or female or from the breast of a female;

(d) a sample of saliva;

(e) a scraping taken from the mouth;

(f) a dental impression.

When we consider such intimate samples it is clear that we are talking about a very obtrusive mechanism and infringement of a person's body. Due to the obvious personal liberty implications arising from the taking of such samples, police have had to show that there were reasonable grounds to believe the procedure would tend to confirm or disprove the involvement of the suspect in the commission of an indictable offence where the suspect was suspected of or had been charged with that offence.

Of course that is fair enough. It probably gets the balance right between a person's civil liberties and the need for police to have appropriate powers to detect relative offences. We are talking about a very intrusive procedure; and under the Crimes Act that intrusive procedure can be undertaken only if a person is a suspect in a matter. I believe that is appropriate. However, the bill will drastically change the way we currently obtain forensic samples.

Firstly, the forensic sample offences for which samples can be taken are listed in schedule 8 of the Crimes (Amendment) Bill. Without putting too fine a point on it the offences include virtually every offence under the Crimes Act and the Drugs, Poisons and Controlled Substances Act. That is a slight exaggeration, but an enormous range of offences are included in schedule 8. Obviously they are all serious offences, ranging from murder, manslaughter, kidnapping, rape, indecent assault, assault with intent to rape, sexual penetration of a child, sexual relations with a child under the age of 16, the abduction of a child, gross indecency of a child, administration of drugs, abduction and detention as well as a number of property offences. They include, obviously, the serious offences of robbery, armed robbery and burglary as well as housebreaking, larceny in the house and larceny with menaces. Offences under the Crimes (Criminal Damage) Act include setting fire to things, setting fire to goods in buildings and attempting to set a fire. Drug offences are also listed; they include cultivation of a narcotic plant for a purpose related to trafficking and trafficking in a drug of dependence, which is an offence under section 71 of the Drugs, Poisons and Controlled Substances Act.

The bill covers a wide range of offences, many of which have not until now been described as forensic offences.

Secondly, the bill will allow a police officer to apply to a court to get a forensic sample from a person found guilty of a schedule 8 offence or a forensic sample offence, not because that person is suspected of having been involved in another offence but to have the forensic sample on the record. That is of grave concern to the opposition.

I am aware of the technological improvements in DNA testing, which is supposed to be the fingerprinting technology of the future, and I understand that it is of great assistance to the police in detecting offenders. That is why the opposition does not have a problem with forensic samples being taken from suspects — but that is not the case here. In her second-reading speech the Attorney-General seems to be suggesting that the police will have the power to apply to a court to take a forensic sample from a person who is in custody as a result of a third drink-driving offence or the non-payment of fines on the basis that he or she committed an offence 25 years ago — for example, housebreaking or the like as a kid. As I said, that is of real concern to the opposition.

The proposal is a bit more draconian than that. Proposed new section 464ZF(3) states:

> If —
>
> (a) at any time before the commencement of section 25 of the Crimes (Amendment) Act 1997, a person has been found guilty by a court of a forensic sample offence; and
>
> (b) at any time on or after that commencement, that person is serving a term of imprisonment or a period of detention in a prison, police gaol or youth training centre or as a security patient in an approved mental health service for any offence, whether or not a forensic sample offence —
>
> a member of the police force may apply to the Magistrates' Court or the Children's Court ... for an order directing the person to undergo a forensic procedure ...

As I said, there is some retrospectivity in the legislation. It will apply not just to a person who is serving a term of imprisonment but also to someone who committed an offence and served a term of

imprisonment some time ago. Proposed new section 464ZFA(1) states:

> If before a court makes an order under section 464ZF(3) directing a person to undergo a forensic procedure, that person has been released from the prison, police gaol, youth training centre or approved mental health service where he or she was serving a term of imprisonment or a period of detention at the time the application for the order was made, the court may issue a warrant authorising the person to whom it is directed, if necessary —
>
> (a) to break, enter and search by day or by night any place where the person named in the warrant is suspected to be; and
>
> (b) to arrest the person; and
>
> (c) to bring the person before the court for the hearing of the application; and
>
> (d) if that application is granted, to detain the person for as long as reasonably permits the conduct of the forensic procedure.

The warrant may be issued to a named member of the police force or to all members of the police force in general. Proposed new section 464ZFA(3) states:

> A warrant issued under sub-section (1) directed to a named member of the police force may be executed by any member of the police force.

That simply means that after a person has been released from prison — having done the time after having done the crime — police can obtain a sample from him or her using means such as breaking and entering premises by day or by night. I do not know whether the Attorney-General had certain people in custody in mind when the proposed new section was being drafted — perhaps she may give Victorians some idea of whether that is so — but it seems to be a retrospective provision.

The effect of the amendments seems to be that if you have committed a schedule 8 offence at any time in your life, even many years ago, you will be branded for life. If you have been rehabilitated, bad luck. You are now a wanted person: the police want a forensic sample from you for the database, and they are coming to get it!

A balance has to be struck. If you wanted to solve all the crimes committed in Victoria, you could do it easily by going around to every household and fingerprinting and taking forensic samples from every Victorian and putting those records on the database. Whenever a crime was committed all you would need to do to solve it would be to take fingerprint specimens from the scene and link them to the database.

Mr Andrighetto interjected.

Mr HULLS — The honourable member for Narracan is saying we would oppose that. Absolutely!

Mrs Wade interjected.

Mr HULLS — The Attorney-General blushingly says, 'We would not even think of it', but the honourable member for Narracan has thought of it. He is rubbing his hands together, thinking, 'It will be like the good old days. Let's give the coppers as much power as we can'. Some members of the police force — and, obviously, some former members — need all the help they can get to solve crimes.

Mr Andrighetto interjected.

Mr HULLS — That would not be an appropriate balance, but it would make crime solving a lot easier. The legislation goes a long way down that track. The Attorney-General says all the bill will do is allow forensic samples to be taken from people who have committed schedule 8 offences many years ago and who are currently serving terms of imprisonment. We need to look at the definitions of 'imprisonment' and 'custody'. Section 464 of the Crimes Act states:

> (1) For the purposes of this Subdivision a person is in custody if he or she is —
>
> (a) under lawful arrest by warrant; or
>
> (b) under lawful arrest under section 458 or 459 ...

The argument is that because someone is under arrest he or she is a baddie — so why not take forensic samples? But paragraph (c) says that a person is in custody if he or she is:

> in the company of an investigating official and is —
>
> (i) being questioned; or
>
> (ii) to be questioned; or
>
> (iii) otherwise being investigated ...

The Corrections Act makes clear the distinction between prisons and police gaols. The Crimes Act refers to a term of imprisonment being imposed if one fails to pay fines. If a person cannot afford to pay, for whatever reason, he or she is arrested and then serves a term of imprisonment. People who

may have committed offences many years ago, who have recently been arrested and who are now serving short terms of imprisonment — all because of their failure to pay fines — will be subject to forensic sample testing. Is the Attorney-General really saying that? If so, she needs to include a clear and concise definition of 'a term of imprisonment' in the legislation. I expect that definition will include the types of cases I have just cited. I understand the technology now available for DNA testing. I have no problem with it; the police need that sort of testing in their armoury. However, I am concerned about how they will be able to use that armoury.

Mrs Wade interjected.

Mr HULLS — The Attorney-General says, 'With the approval of the courts'. That is right, but in some country courts that approval would be given more readily than in other courts. That provision must be monitored.

Mrs Wade interjected.

Mr HULLS — The Attorney-General says, 'That is offensive'. As I said the other day, I have spent some time in country regions of Australia. There are obvious and different relationships between people living in country towns. I suppose I could say there is a more intimate knowledge of other citizens than exists in our cities. Had the Attorney-General spent any time practising law in country Victoria she would have realised the reality of life in those areas.

The Attorney-General knows full well that, unlike her, I am a firm believer in judicial discretion; in the past she has said a whole range of things about judicial discretion. In a nutshell, she thinks society should limit judicial discretion. I have moved a reasoned amendment because the opposition is concerned not about providing police with the extra armoury but about whether that power should be given to the police so they may apply for the taking of samples from people who are not suspects in any matter. More work should be done before we go down that track.

The opposition's reasoned amendment basically asks for more consultation — if, indeed, there has already been consultation — and an education program to advise Victorians of the implications and impact of the legislation. We need consultative procedures on the impact of increased police powers on the rights of people.

I have no problem with increasing police powers in certain circumstances, but a question mark hangs over whether the relevant powers in the bill go too far. That is why I have suggested more consultation and why, before we go down that track, we should get the balance right: we must not lean too heavily in favour of police powers versus the civil liberties of Victorians.

Immediately before my contribution to the debate last night, I had further consultation with a number of groups. I shall briefly raise a number of important issues. As the Attorney-General will recall, last night I spoke about the opposition's concerns on the questioning of a sexual assault victim's prior sexual history. In the main, my comments were directed at lawyers acting for the accused or defendants. I am advised there have also been occasions when a prosecutor has, without any rhyme or reason it would appear, asked an alleged victim about his or her prior sexual history. Although I have no specific hands-on knowledge about that, I am advised by experts that that practice has been occurring.

That provision should be monitored, and reference to monitoring is set out in the reasoned amendment. I am keen for the Attorney-General to take up the suggestion in the reasoned amendment that there be a legislative definition of 'substantial relevance' when a person's prior sexual history is considered.

A couple of days ago I gave the Attorney-General a note about this issue. As I recall, she said she had some concerns because such a monitoring impinged upon judicial discretion. Many of our acts contain definitions of 'particular mechanisms'. I do not believe a definition of 'substantial relevance' would unnecessarily impinge upon judicial discretion because any definition could be broad. The last thing I would want to do is impinge upon judicial discretion.

I hope the Attorney-General takes up the suggestion made in the reasoned amendment and implements the 'monitoring' referred to. I urge all honourable members to support the reasoned amendment, which is well considered and reasonable, and — although the Attorney-General has a smirk on her face — I am sure is one that she wishes she had taken into account in the drafting of the legislation.

I hope we get the balance right in this bill, although I have doubts that a balance will be struck. I urge all honourable members to support the reasoned amendment.

Mr LUPTON (Knox) — I support the bill which makes allowances for recent technology and brings us into the 21st century. The honourable member for Niddrie mentioned various ways victims of crime can be assisted. I agree. But then he wants to tie the government's hands by saying there should be restrictions on certain parts of the legislation.

The house has spent some time discussing the forensic evidence issue. I would have no problem with the police taking 'intimate' samples from me if they believed I intended to commit a crime. They can take them because I do not think dental impressions could be classified as intimate. The honourable member for Niddrie is pushing certain dictums and trying to tie the hands of the police. I have no problem with the police using the technology to take DNA samples if it is available to them; it is simple commonsense. The honourable member was talking rubbish when he opposed the taking of intimate samples.

Mr Hulls interjected.

Mr LUPTON — You read it from the book — that is what you started talking about. You quoted it: isn't it a book?

Ms Kosky interjected.

Mr LUPTON — It is a book, so far as I am concerned. The honourable member was talking about the rights of individuals and the rights of the police to uphold the law, yet he also says the police will have their hands tied behind their backs. He says they should not take DNA samples. Get with it! Victims of crime have been abused and this is a way we can assist them.

The Labor Party has a lot to answer for. When in power it was so efficient that it introduced the 6-hour legislation: what a magnificent bill! When the police apprehend somebody, they have to transport the suspect from A to B and have a total of only 6 hours in which to question the person at a police station. After 4½ hours they have to decide whether to cease their questioning, and if they cannot convince a magistrate to make an order, they have to stop questioning.

As a justice of the peace I was involved in a case which exemplifies the stupidity of the 6-hour legislation. A number of kids had been involved in some armed hold-ups from Queensland down to Victoria, and were finally apprehended in Ferntree Gully. On that occasion I was called in before the 6-hour limit expired to remand these people, but after the 6-hour limit expired they had to be extradited to Queensland. As we had to stop asking questions they could not be charged. That is the sort of legislation the Labor government introduced.

I had the privilege to serve on the former Crime Prevention Committee, which travelled to America, Canada, Holland and England to examine sexual abuse of children and adults. We also visited most Australian states and spoke to people in the gaols who had been convicted of sexual crimes. Those people have committed despicable offences because they preyed on kids, abused them psychologically and, no doubt, damaged them for the rest of their lives, yet the honourable member for Niddrie says we should not be considering multiple-case trials.

Recommendation 69 of the Crime Prevention Committee states:

> The committee recommends that legislation be enacted which presumes multiple victim sexual assault cases, which are presented together, will be heard together.

That is commonsense. At the moment if a man gets into bed with two young girls and abuses them the cases are heard separately. In those circumstances the chance of getting a conviction is remote and the perpetrator would get off.

One of my constituents came to see me complaining that her husband had sexually penetrated their daughter and digitally penetrated their four-year-old grand daughter. He was subsequently charged with a number of offences and found guilty on nine counts. The charges did not include the abuse of his grand daughter because at the time of the offence she was too young to give evidence. The man appealed against his conviction. The cases were heard separately and he was subsequently found not guilty on all nine charges, despite the fact that his wife knew he was as guilty as sin. What an absolute joke!

We are giving free reign for these people to prey on our kids and the entire community because cases cannot be heard jointly. This legislation gives the victims the right to fight back. We are turning the clock forward to protect victims. I do not care whether it is against civil liberties or whatever, it is commonsense that such crimes be heard jointly.

The report of the Crime Prevention Committee states:

> The offences of sexual assault of children have certain dynamics which make them different from almost all other offences. These include, the relationship between victim and offender, the limitations of victim credibility in adult courts, the lack of forensic evidence in most cases and the recidivist nature of the offender, to name a few. Charges may be joined where similar fact evidence exists and there is no collusion between the witnesses. Unfortunately this is rarely, if ever, allowed when challenged by the defence. Long-serving police officers have advised the committee that they are not aware of any child sexual assault case which was not separated on request by the defence. Similar fact evidence is virtually useless in child sexual assault cases.

The government is turning the wheel in favour of victims. The honourable member for Niddrie indicated there would be a miscarriage of justice because the perpetrators may get off. The miscarriage of justice is that the victims cannot receive adequate protection. In the case I mentioned where the father abused his daughter and grand daughter, his wife knew he was guilty but because the matters were heard separately he was found not guilty on the instructions of the judge. What an indictment of the legislation that enables that to happen. The Attorney-General is changing the legislation so that victims will have rights.

Paedophiles are the lowest form of the human species and I have no sympathy for them because they prey on our kids. They hang around playgrounds, pick out a child, follow that child to get his or her trust and then abuse that child. They are recidivists by nature and are rarely ever cured of their problem. The oldest person in the Victorian gaol system is a paedophile, and the cases against him number in the hundreds. If a paedophile is convicted of one case you can bet there are another 10 for which he has not been charged.

The committee heard cases where paedophiles had abused 200 and 300 victims. In one case a person had abused his sisters, nieces, nephews, virtually all of his friends and a number of other people. He was sentenced to only 18 months gaol and served only 10 months. Is that our justice system? These people prey on children.

What the honourable member for Niddrie has said today is a red herring to get a big name for himself. The government is about protecting victims. I was proud to be a member of the former Crime Prevention Committee. As I said, we visited a number of gaols and spoke to many offenders. In some of the states of America the evidence showed that no matter what was done to help them, offenders would never be cured, and the honest ones admitted that.

Members of the committee also spoke to offenders at Pentridge who had received psychological treatment. Some admitted they had beaten the problem and others said that they did not know whether they had and that they could reoffend. Some said they were infatuated with boys or girls of 10 to 12 years and, despite going through the treatment program, they still got 'the hots' for these kids. Although they were in their 60s and 70s, they were infatuated with 10 and 12-year-olds. It is a real shame. As I said before, I think these people are the scum of the earth. I have no sympathy for them at all. Anything that the government can do via the legislation to tighten it up and to swing the balance in favour of victims is well worth supporting.

I will listen with a great deal of interest to some of the opposition speakers, having regard to the recommendations that were bought down by the former Crime Prevention Committee. I will mention members of the Labor Party who were on that committee: Bob Sercombe, who travelled with us on the trip to the four countries that I mentioned; the honourable member for Dandenong North, Jan Wilson; Mal Sandon, although he never attended much, and his place was taken by the honourable member for Yan Yean; and the Honourable Don Nardella in another place.

The all-party committee presented a unanimous report — there was no minority report. The government members on the committee were the honourable members for Shepparton, Cranbourne and Malvern, the Honourable Ken Smith in another place and me. This is the first chance we have had to support the recommendations arising from consideration of the issues of sexual abuse of kids and the abuse of males and females, yet the opposition is objecting to bill.

I wonder about that given that opposition members on the committee supported the report and were involved in the terrible process of interviewing people, going to the gaols and seeing the scum that we have to deal with. Will those opposition members now turn around and support the reasoned amendment moved by the honourable member for Niddrie? We spent some 18 to 24 months going through these matters and listening to those people. We had people who admitted that

no matter what happened they would never be cured.

I will quote some of the things I found this morning while surfing the Internet. It is quite obvious that the legislation has caused a great deal of interest around the world and a number of countries are leading the way. I am not saying that we should go down the same path but it is certainly worth thinking about. I refer to introduction in America of Megan's law, which enables the authorities to tell the community when a dangerous sexual predator enters its midst and which was carried 418 to nil. The President of the USA stated in respect of the law:

> There is no greater right than the right to raise children in peace and safety.

I am not suggesting that we go down that path, but it is a commonsense, workable way of trying to reduce the incidence of sex crimes. The circumstance that led to the introduction of Megan's law included a case in which a convicted paedophile, sexual abuser, rapist and so on moved into a neighbourhood and killed a seven-year-old neighbour. I am not suggesting that we introduce Megan's law but it is well worth looking at such a concept. I believe it has a number of good points. We do not want any child in our society going through the psychological trauma of being raped, penetrated or otherwise sexually assaulted by a paedophile.

Some American states have adopted a system known as 'three strikes and you're out' — we refer to it as 'three strikes and you're in'. The system relates to the conviction on three counts of serious sexual offences such as rape, paedophilia, abuse of children and so on. The committee looked long, hard and seriously at getting the three strikes and you are in system introduced in Victoria.

The committee spent a lot of time on the issue. Judges came forward, pleaded with us and said, 'Give us a chance to use the laws we have at our disposal whereby we can lock up a person who has been convicted for virtually an indefinite period'. They said, 'Give us that option and let us see whether we can handle the legislation we have.' It is apparent that the community has an expectation of the courts that their children can grow up in safety without the fear of being abused by paedophiles.

Paedophiles make friends with children and with their families. They win the trust of people and then abuse that trust. Recently in my own area we have had a situation involving a person who has been a sporting coach. The parents had on occasions delivered their children to the person's home and had taken them there for barbecues. A fortnight ago it was found that the person had been showing them pornographic movies and getting them in the spa and interfering with them.

All honourable members can imagine the shock of the parents when they were told that the person involved has been investigated by the police. When I saw the father the other day after he had been told about it he looked as though he had just been kicked in the stomach. He had delivered his kids to this perpetrator's home. The person involved had thrown out all the trust he had been given and had abused that parent's child.

I will not go through the legislation further because other speakers will do that. I am concerned that the Drugs and Crime Prevention Committee and the former Crime Prevention Committee having looked at the abuse of kids and the abuse of males and females and having made a number of unanimous recommendations, and our now having an opportunity to put a bit of meat in the legislation to swing the pendulum in favour of the victims, the opposition is objecting to it because it says it may lead to a miscarriage of justice.

Mr Hulls interjected.

Mr LUPTON — That is what you said; you said it may lead to a miscarriage of justice. Whose side are you on? You have talked about supporting the victims but you are not interested in the victims. You are too worried about the criminals, the people perpetrating crimes against our kids, and you want to give them every bit of leeway you can.

This legislation is good. It makes allowances for the way today's society operates. It makes allowances for modern technology such as DNA sampling. It reflects the community's needs. I wish the bill speedy passage through the house. I would like to see it go before the upper house next week. I would even take it down to the Governor for him to sign because I think we should be implementing it immediately.

Ms GARBUTT (Bundoora) — I support strongly clause 9 of the bill which relates to the use of evidence of prior sexual activity in court cases. The bill proposes that evidence of prior sexual activity be limited to cases where counsel has given notice in writing 14 days before the trial and has the judge's approval to lead such evidence. It further proposes

that the evidence has to have substantial relevance to the facts in issue and must be a proper matter for cross-examination. I support that provision quite strongly.

I also support the reasoned amendment moved by my colleague the honourable member for Niddrie. The bill needs to be stronger and there is a need for proper mechanisms to monitor what happens and for reporting to Parliament on the impact of this legislation.

I also believe there is a need for a definition of 'substantial relevance' in relation to prior sexual history. This issue dates back to 1991 when the former government introduced substantial reform of the Crimes (Sexual Offences) and the Crimes (Rape) acts. As a member of that government I was pleased to support those reforms. Included in those reform bills were further restrictions on the admissibility of sexual history evidence with the accused and alternative arrangements for giving evidence, such as closed circuit TV in certain cases.

Those two pieces of legislation were introduced following the report on the reform of rape legislation by the Victorian Law Reform Commission. The commission undertook substantial research on the issue and made major recommendations that were picked up and incorporated in the legislation.

The previous government undertook to monitor the legislation through the rape law reform evaluation project, and to this government's credit that monitoring has continued. Some of the project committee's recommendations are incorporated in clause 9. I support the changes, which stipulate that when defence counsel needs or desires to cross-examine the complainant about her or his prior sexual activity, the request must be made in writing prior to the commencement of proceedings and must state how the evidence would have substantial relevance.

The broader context of the issue is that the incidence of rape has been under-reported, although that is changing. Even though it is a serious, traumatic and often brutalising crime, it is not reported in a substantial percentage of cases. Partly, that has to do with the fear of having to undergo a further ordeal in court. That has been well established by Law Reform Commission research, which shows that a large percentage of women who are raped simply will not report to the police and go through the further ordeal of going to court because they know they can be cross-examined about the details of the crime and forced to relive every detail. That causes great trauma and pain, and for many it is almost as bad as the rape itself.

The ordeal does not stop there. In the past a complainant has been able to be questioned in painful detail about the entire sexual experience, and the whole of the victim's character has been exposed in court. The prospect of having to face that ordeal again in court and in public, with the media present, has in the past been a major barrier to women reporting the crime at all. It means that rapists and other sexual offenders have known that they have been likely to get away with their crimes, which has added to the unwillingness of women to report.

That was the situation in 1991. Research by the Law Reform Commission clearly exposed women's fears and their refusal to put themselves through a second ordeal and showed how that led to an enormous under-reporting of the incidence of a major crime. The legislative changes in 1991 attempted to alleviate that court ordeal by restricting the admissibility of evidence of prior sexual history with the accused and by putting in place other mechanisms to protect the victim in the courtroom.

As I said, the evaluation project monitored the legislation and the project committee's findings are the basis of the bill. The findings are alarming because they suggest that, even though there are restrictions on the admission of evidence, court practices are not what we hoped for.

Briefly, the project committee found that at committal 19 per cent of complainants were questioned about their sexual histories with the permission of the magistrate — and 19 per cent is fairly high. However, around 46 per cent were cross-examined without leave of the court. The stipulations in the 1991 legislation did not matter: the questioning happened anyway. Some 65 per cent of complainants were cross-examined in one way or another in the court at the committal stage.

At trial, the figures were even higher. The project committee found that 40 per cent of complainants were cross-examined with the court's leave and 30 per cent were cross-examined without it. In other words, 70 per cent were cross-examined regardless of our attempts to restrict it.

I will quote a few of the key findings of the rape law reform evaluation project, which are depressing:

> Indeed, leave was almost routinely granted, often without there being any discussion of the relevance of the questions, or the scope of the inquiry. The assumption appeared to be that any facet of a prior relationship was relevant to the issues in the case (especially where the primary issue was consent), and therefore ought to be allowed ...
>
> On several occasions involving cases in the current study, the cross-examination entailed a wide-ranging exploration of the complainant's past with the accused.

The findings continue:

> It is also apparent from the large number of complainants questioned about sexual history matters without the leave of the court that some practitioners deliberately try to 'get around' the section, are uninformed about its details, or are ignorant of the recent changes to it. This finding indicates that some judges and magistrates are not well-versed about how the section should apply and are not intervening when the section is breached.

The findings continue:

> In many instances, applications to cross-examine complainants about their prior sexual history with the accused were granted by judges and magistrates without any genuine scrutiny of the arguments, or discussion of the relevance of the material.

Time and again the findings show that the current system is not working. The recommendation that arguments must be presented in writing prior to the trial or committal has been picked up in the bill, and that change is sound. However, we must continue to take steps to ensure that what is enacted in Parliament is translated into practice in court. Further monitoring is needed.

The reasoned amendment says that the bill should include 'proper mechanisms to annually monitor and report to Parliament the impact of the bill on a victim's court experience'. In that way, the monitoring would be built in. Just as the evaluation project informed us of the impact or lack of impact of the 1991 changes, Parliament would have the information necessary to judge whether the amending legislation was working in practice.

I feel as though I wasted some of my time in 1991 when I voted to pass those changes. I thought they would make a difference, but the evaluation report clearly shows that in 70 per cent of cases it has not. I am pleased that in 30 per cent of the cases it has made a difference, but that is not nearly good enough. The reasoned amendment seeks to ensure that the monitoring continues and that Parliament finds out about the success or otherwise of the measures legislated in the bill.

I will quote a few more of the findings of the rape law reform evaluation project on the need for monitoring. The following is said about written applications, which the bill introduces:

> It is unlikely that introducing this type of procedural change will result in a marked change in the individual attitudes of counsel and the judiciary in relation to sexual history applications.

The findings continue:

> In addition, it appears that judges and magistrates require a more thorough knowledge of the details of the section in order to deal with deliberate breaches and those which occur as a result of counsel's ignorance.

It is suggested that the change on its own will not make enough of a difference. Monitoring and further judicial education are absolutely necessary, and the Attorney-General should ensure that that happens.

Monitoring is important. Also, 'substantial relevance' should be defined. Many bills that come before Parliament do not clearly define what needs to be considered. Further definition is necessary because, as we have seen over the past six years, legislation has not been implemented in the way envisaged. In this case, a tighter definition will limit what can and cannot be asked in the courtroom. Therefore, the spirit of the legislation will be reflected in practice.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Workcover: common-law access

Mr THWAITES (Albert Park) — I refer the Premier to the fact that under the government's Workcover proposals a police officer who becomes a paraplegic as a result of a pursuit or a gunshot wound in the line of duty will not be classified as 80 per cent impaired; and not only will his or her

benefit entitlement be limited to just one half of the maximum, but the officer will have no rights at common law, and I ask: given the huge trauma such an injury would cause, will the Premier stop acting so callously and withdraw the government's cruel Workcover proposals?

Mr KENNETT (Premier) — I refer to the temporary Leader of the Opposition's question — —

The SPEAKER — Order! He is the Deputy Leader of the Opposition.

Mr KENNETT — He is the temporary leader, isn't he?

The SPEAKER — Order! He is the Deputy Leader of the Opposition.

Mr KENNETT — He's the deputy leader, is he? In terms of his question, he was referring to a hypothetical case, but in particular he was referring to common law. He asked me whether we would be prepared to withdraw our proposals obviously containing common law.

It is true to say that common law does not exist in some states of Australia. It does not exist in the United States of America, Canada, South Australia or the Northern Territory. Let me refer to page 2755 of a copy of the House of Representatives *Hansard* — so it is admissible — reporting debate on the Commonwealth Employees' Bill.

Mr Batchelor — Mr Speaker, I direct your attention to standing order 127. The Premier is debating the issue. The question did not refer to commonwealth legislation; it referred to common law in Victoria. He is not permitted under standing order 127 to stray from the matters in the question. I ask you, Mr Speaker, to enforce the standing order.

Mr KENNETT — On the point of order, I was clearly asked whether I would withdraw our proposals re common law, which was one of the components of the proposals we have in mind. What I was establishing clearly answers the question I was asked in that common law does not exist in other states of Australia or in other countries and does not exist in the commonwealth. Clearly my comments are absolutely and directly in line with the question asked of me.

The SPEAKER — Order! It will depend on the Premier's use of the material he is now quoting from as to whether that will be determined by the Chair to be debating the issue. At this stage I do not believe he is debating the question. He is relevant to the question so far, and I will listen carefully to what he has to say.

Mr KENNETT — The question of common law is at the crux of this question as posed to me. In the *Hansard* report of 19 and 20 May 1988, Mr Brian Howe, who was the Minister for Social Security, said that:

> Clearly, common law has, in the government's view, been an expensive and inefficient mechanism for compensating injured employees. The necessity to prove fault in what is essentially a no-fault scheme introduces a contradiction to the whole philosophy of the reform of compensation with its orientation towards rehabilitation.

Mr Thwaites — On a point of order, Mr Speaker, under standing order 127 the Premier is prohibited from debating the question. He is debating an issue as to what was said in the commonwealth Parliament some ten years ago. The trouble with this approach is that he has not even got his facts right because there are common law rights at the commonwealth level — and you might as well admit it!

The SPEAKER — Order! So far the Premier is quoting what happens in other states. I believe that is not debating the question; he is providing facts. If he then starts comparing what happens in those other states with Victoria he will be debating the question. But providing facts of what happens in other states is not debating the question.

Mr KENNETT — I am stating a fact and I am stating what the Minister for Social Security said at the time when he said — —

Mr Thwaites interjected.

Mr KENNETT — So now you are saying that it was only 10 years ago! He said quite clearly that in this case common law is both expensive and inefficient.

The only person in this Parliament who has to date spoken against common law being removed from an individual's right is the Leader of the Opposition, Mr John Brumby. It is recorded in *Hansard* of 19 and 20 May 1988 that Mr Brumby himself voted in the federal Parliament for the removal of common law.

Honourable members interjecting.

Mr KENNETT — We have witnessed one of the greatest acts of hypocrisy by the Labor Party.

Mr Batchelor — On a point of order, Mr Speaker, I again draw your attention to standing order 127. The Premier is clearly debating the question, and has deliberately flouted your rulings. He has laid out a case where he sought to bring in information that is not relevant or pertinent to the question asked. I understand the difficulty the Chair has in ruling on the issue of relevance; it is a difficult issue. Clearly, standing order 127 prohibits the practice the Premier is pursuing of debating issues and he should not be allowed to continue.

Mr KENNETT — On the point of order, the Deputy Leader of the Opposition asked me whether I would withdraw common law from the workers compensation proposals. It is absolutely relevant that the only person in this Parliament who has actually voted for its removal is a member of the party that is now asking me to withdraw the same provisions. I suggest my answer is absolutely in order because the Deputy Leader of the Opposition is proving yet again the double standards of the opposition on this matter.

The SPEAKER — Order! As the honourable member for Thomastown said, it is a difficult call as to when facts become debate. I accept that the Premier has now entered the area of debate and I ask him to come back to the question asked by the Deputy Leader of the Opposition.

Mr KENNETT — The Deputy Leader of the Opposition asked me whether we would withdraw common law. I can think of no person that we think more highly of than the Leader of the Opposition! We take great note of what he says! If the Leader of the Opposition believes it is right to remove common law for commonwealth public servants I am prepared to accept it is right, and we will retain the provisions that prevail!

Mr Batchelor — On a point of order, Mr Speaker, the opposition regards the standing orders as important, as do other members of this place.

Honourable members interjecting.

Mr Batchelor — The Premier has twice today deliberately flouted your ruling, Mr Speaker. Following your previous ruling that the Premier was debating the question, he continued to do so. I seek guidance from you, Sir, on what powers you have and what powers you will exercise when the Premier deliberately flouts the standing orders and your rulings.

The SPEAKER — Order! Clearly, if any member flouts the Chair's request in relation to the order and decorum of Parliament the individual will be dealt with by the Chair. There has been a very clear example of that during the past two days. Has the Premier completed his answer?

Mr KENNETT — I conclude by saying that if it is good enough for the Leader of the Opposition to support the removal of common law it is good enough — —

Mr Batchelor — On a point of order, Mr Speaker, I draw your attention for the third time during this answer to standing order 127. It is the third time the Premier has flouted your ruling, and on each occasion that happens the opposition will draw it to your attention, Sir. I seek your guidance as to how many times such action needs to be brought to your attention before you are prepared to act.

Mr KENNETT — On the point of order, Mr Speaker, if you were to accept the comments of the honourable member for Thomastown no-one in this house would be able to answer any question at all. You have clearly ruled on a number of occasions that I was not debating and have not been debating the question. The very fact that I said in my answer to the question that we were prepared to use the standards established by the Leader of the Opposition must give the opposition some heart that at least someone in the community is listening to it! I say again, if it is good enough for the Leader of the Opposition to support the removal of common law, so be it!

The SPEAKER — Order! The Premier has now gone beyond the point of order and is debating the question. When the Premier strays into the area of debating the comments made by the former federal Deputy Prime Minister, Mr Howe, and the position of the Leader of the Opposition when he was a member of the federal Parliament, the Premier is straying into the area of debate. With regard to comments made on forthcoming legislation, the government's position and that of the opposition, which has been made clear, I do not believe the Premier was debating the question. I believe the Premier has now completed his answer.

Public transport: rail strike

Mrs SHARDEY (Caulfield) — Will the Minister for Transport inform the house of the causes and the impact of today's industrial action by the Electrical Trades Union?

Mr COOPER (Minister for Transport) — Early yesterday afternoon ABC radio advised the government that the Electrical Trades Union members employed by the Public Transport Corporation would be starting a 24-hour strike at 12.00 midnight last night. It was an extraordinary way for the union to take industrial action and it was unprecedented. It is wildcat action by a rogue union, which resulted in a situation today where several thousand public transport workers employed by the PTC and members of other public transport unions have had to be stood down without pay because there was no work for them to do. That is in addition to the many thousands of people in the state, particularly metropolitan Melbourne, who were unable to get to work because the trains were not running. The trains were not running today because at 1.00 a.m. the ETU members employed in the rail system switched off the direct current power to the system and that meant the electric trains could not run.

It was interesting to hear the two diverging opinions given to the public this morning on Melbourne radio. On the 3AW morning program Mr Dean Mighell the secretary of the ETU, said the trains 'could be running'. He denied that the power had been switched off by ETU members when in fact it had. In answer to a question from the interviewer he said:

> Yeah, they could be running ...

He said the fact that they were not was the responsibility of the government. At the same time, on 3LO Mr Gavin Marshall, the assistant secretary of the ETU, said:

> They've —

that is, the government —

> decided that they're gonna try and run the system. I was amazed that they could even think of doing that. I didn't think it was technically possible to run it without our members, but they had a different view.

The secretary of the union was telling comprehensive lies to the media on 3AW while he was being contradicted by his assistant secretary on ABC radio at the same time.

This is a rogue strike; it is wildcat action which has been condemned by other unions in the public transport sector and by the Industrial Relations Commission today. Senior Deputy President Polites met with various parties at 9.00 a.m. He instructed ETU members to go back to work at 3.00 p.m. today and said that if they did not he would hold an urgent meeting at 5.00 p.m. to remove their protected status in the enterprise bargaining agreement negotiations.

ETU members have embarked on a wildcat strike that deserves the strongest condemnation from the people of this state and from all sides of Parliament. I would welcome that condemnation from members of the Labor Party in Parliament. They cannot remain silent; they should stand up and say that the ETU deserves condemnation.

Workcover: changes

Mr BRACKS (Williamstown) — I refer the Premier to the fact that the Self Insurers Association, which represents major employers such as Coles Myer, BHP and the ANZ bank, amongst others, has today opposed the government's proposed Workcover changes and stated that the changes:

> Won't help insured workers get on with their lives or save money.

Given that the proposed changes are now opposed by major employers who were not consulted about them, and workers whose rights to compensation will be slashed, will the Premier admit that the changes are opposed right across the broad community, and will he withdraw these crazy and stupid changes?

Mr KENNETT (Premier) — I thank the honourable member for his riveting question. I suppose it would be true to say that every piece of legislation we have introduced has been opposed by someone, some group of people, or a large number of people.

But one of the major traits the opposition will notice of this government that it will never be able to apply to itself is that at some stage the government has to make decisions and obviously redefine laws in the long-term interests of the community as a whole. It is not about being popular. It is not necessarily about simply playing to your own mates, whether they are

in the trade union movement from the other side or whether they are employers from ours. It is about having the courage to provide leadership without interference or pressure from one corner of the community or the other.

I have no doubt that there are some who do not agree with our proposals. But that has always been the case with everything we have done, and it will always be the case with everything we do in the future. Unlike the Labor Party which, every time it is approached by anyone, changes its mind, reverses its position or simply gives in, this government is about good government and good governance and we do not intend to be persuaded to change simply because one group issued a statement today.

Melbourne Water: Gippsland irrigators

Mr RYAN (Gippsland South) — Will the Minister for Agriculture and Resources advise the house of what arrangements have been made to ensure that farmers in central Gippsland are provided with additional irrigation water this summer?

Mr McNAMARA (Minister for Agriculture and Resources) — I thank the honourable member for Gippsland South for his question about the problems with supplying water, particularly into the Macalister irrigation system, this season and I congratulate him on his efforts on behalf of irrigators down there to ensure that they can get somewhere closer to 100 per cent of water right.

Irrigators in the Macalister system were faced with a very precarious situation when Rural Southern Water estimated that it would be able to supply it with only some 70 per cent of water right. Over recent weeks I have had negotiations with the Chairman of Southern Rural Water, Allan Pappin. I congratulate him on the way he has entered into negotiations with Melbourne Water.

Today I am pleased to announce that we will be able to supply 100 per cent water right to those irrigators in the Macalister system, that water will be made available from Melbourne Water and that I will work through further issues with the Treasurer in relation to pricing. The bulk of the water will be provided on a loan basis at no up-front cost to the Rural Water Authority and the authority will be able to repay the water over subsequent seasons.

We understand that, in spite of getting 100 per cent water right, a number of irrigators who have relied on sales on top of water right will still experience hardship. But the fact that we can now guarantee them 100 per cent water right will enable them to plan their farming operations for this summer.

The negotiations have raised a number of significant issues which will lead to further discussions between myself and the Treasurer, particularly about the differences in policy pricing arrangements, which I hope we can resolve for the longer term. The outcome has been a very positive one for Gippsland dairy farmers in the Macalister irrigation district, who now have the guarantee of a water right that will carry them through this season.

Local government: mayoral allowances

Mr SAVAGE (Mildura) — In view of the comments by the Premier on ABC regional radio on Tuesday, 21 October, about the limitation of mayoral allowances to $15 000, will the Premier advise the house if the review by the local government operations section into councillor and mayoral allowances will operate unhindered, or have the allowances already been set?

Mr KENNETT (Premier) — I thank the honourable member for his question. I think in his question the honourable member said I had said mayoral allowances are $15 000. I do not think I said that. His question is inaccurate. I think what I said was that a review is taking place.

An honourable member interjected.

Mr KENNETT — No, I am not sure, but my memory, however weak it may be, indicates to me that I did not mention $15 000 for mayoral allowances, which I think the member claimed in his question. I may have referred to the fact that councillors are getting $12 000, or somewhere thereabouts, that a review is taking place and that it is the intention of the government that the amount be reduced.

I think it is one of the errors that the government has made. When we set up the larger councils we thought it was appropriate that mayors get larger amounts of money and some of them are obviously now getting substantially more than parliamentarians. In one sense they are administering a very small unit; in other words, they are very much like a board.

What has happened as a result of the higher figures being paid to mayors — not to councillors, but to mayors — is that the mayor is now on the job

full-time, which is substantially interfering with the role of the chief executive officer of the municipality. It was never the intention that the mayor should be there to override and to play a chief executive role. Recognising what was happening in many municipalities, that the position of the CEO was being very much undermined by the activity of the mayor, the government has decided that it is important to review the salaries of the mayor and the councillors — but predominantly of the mayor.

A panel has been put in place. That panel is going about its business and is receiving information. We look forward to seeing its report. It has not contacted me and I have not contacted it; it is acting absolutely independently. I am not quite sure when the review will be in; I suspect it will be later this year or early next. We hope to determine the final position of the government before the start of the new mayoral year, which I think is March next year.

Environment: vehicle emissions

Mr SPRY (Bellarine) — Will the Minister for Conservation and Land Management advise the house of how Victorian motorists can take responsibility for improving Melbourne's air quality?

Mrs TEHAN (Minister for Conservation and Land Management) — A couple of hours ago I had the opportunity to launch an initiative undertaken by the RACV with the EPA which will educate and bring a sense of awareness to Melbourne motorists that they individually can have a significant impact on air quality across Melbourne and Victoria.

One of the key conservation issues that is mentioned in popular surveys is air quality, and one of the ways of improving our air quality is by reducing car emissions. The regular servicing, maintenance and tuning of cars can dramatically reduce the impact of emissions on air quality.

With the support of the EPA, the RACV is in the process of launching an awareness campaign on radio and television, and it is publishing documentation to inform both its members and members of the public about the importance of regular car checks.

Emma George, of commonwealth pole-vaulting fame, has had her car examined to ensure it is well maintained; and in a show of corporate support, the VACC and Shell are joining with the RACV and the EPA in supporting the awareness campaign. The campaign will run for 12 months; and if it is successful, it is anticipated that it will result in a reduction of up to 25 per cent in car emissions.

As I said, air quality is vitally important. I commend the RACV and the EPA on the initiative, and I hope honourable members will take up the challenge and ensure that their cars are regularly serviced, maintained and tuned. All Victorians can contribute to the reduction in car emissions and the improvement of air quality.

Herman Research Laboratories

Mr HULLS (Niddrie) — I refer the Premier to the Auditor-General's — —

Mr Leigh interjected.

The SPEAKER — Order! I have warned the honourable member for Mordialloc twice; I will not do so again.

Honourable members interjecting.

The SPEAKER — Order! Let me make it clear: if the honourable member for Mordialloc interjects again, I will name him.

Mr HULLS — I refer the Premier to the Auditor-General's findings that the HRL deal could result in a $8.5 million windfall for Mr Kerry Stokes. I also refer to the Premier's personally signing off on a secret HRL deal, telling Mr Stokes to bring his money to Victoria, and to Mr Stokes' statement that the Premier 'waved the magic wand' to get the deal through. I ask the Premier what his role was in facilitating the extraordinary deal and who he contacted in the last week of June 1994 to push the deal through in breach of his government's tender guidelines.

Mr KENNETT (Premier) — I thank the honourable member for his question. All the leadership contenders have now asked questions today — although perhaps the honourable member for Thomastown simply raised a point of order. I do not know how we would rate their performance. Does anyone have any ideas?

The SPEAKER — Order! The Premier, on the question.

Mr KENNETT — The honourable member who asked the question and who is prepared to again try to slur Mr Stoke's name should understand that if the state is to do business the government of the day

will always have to try to firstly identify and secondly attract investment to Victoria. That is so whether it is new business from other states or an international business. At any one time the government is dealing with a number of companies around the world to try to lift employment opportunities in Victoria.

In the instance just mentioned, a component company of the SEC was involved in research that, with the break-up of the commission, was likely to be lost to Victoria. The management proposed a company buy-up, but extra capital was needed for that to occur. In the initial round, a number of people were prepared to be part of the process, but they invariably pulled out. They were not prepared to continue to invest money to keep that research and development capacity in Victoria and then to grow it.

More importantly, the company that was successful — I cannot swear to this — was prepared to provide an indenture for around $186 million or some such large figure so that in the event that the research proved up and economic benefits resulted down the track, that would be paid back to Victoria.

By attracting Mr Stokes and his consortium to form a partnership in the management buy-up, Victoria got the best of both worlds — the retention of an important research and development facility and new cash to grow the business, as well as the benefits that we hope will come from successful research — and I think you, Mr Speaker, are well aware of the particular company I am talking about.

Mr Hulls interjected.

Mr KENNETT — The honourable member seems to be suggesting that there is something wrong with that. I suggest the opposite it true. The government not only saved HRL but kept research and development. In addition, one of the reasons it was possible was that the federal government was about to change the tax provisions at the end of the financial year.

I make no bones about the fact that the government is prepared to help anyone who is prepared to invest in Victoria if there is good reason for such investment, at a realistic cost. The government has entered into a number of agreements with overseas companies: Yakult is one, Mitsui is another, Snow Brand is another and Robert Bosch is another. I could go on for some time listing the companies the government has entered into agreements with without there being tender situations because in many cases they have been new investors to Victoria.

Mr Hulls — On a point of order, Mr Speaker, my question to the Premier was specific — —

The SPEAKER — Order!

Mr Hulls — He was asked — —

The SPEAKER — Order! The honourable member knows perfectly well that when the Chair is on its feet he should take his place. The question was specific, and the Premier understood it. Raising a point of order is not an opportunity to restate a question. There is no point of order.

Mr KENNETT — The government is proud to have attracted all those businesses, which have all created new jobs. Even last night I visited a business called Intel, which has started up in Melbourne and which currently employs 500 people — another example of the successful relationship between the government and companies. Of course I have spoken to many of those individuals directly — that happens to be the nature of business. You can have a pro-active and pro-business government or one that destroys businesses and business confidence.

Mr Hulls — On a point of order, Mr Speaker, the Premier is clearly debating the question and evading answering it. He was asked specifically who it was that he personally contacted in the last weeks of June 1994.

The SPEAKER — Order! If the honourable member wishes to raise a point of order, he knows the rules. As I just spelled out to him, he cannot use a point of order to restate a question. The Premier's answer is relevant to the question asked. There is no point of order.

Mr Hulls — On a further point of order, Mr Speaker, you commented on this matter on 8 October this year, when you made it clear that because of your involvement in the HRL matter you would vacate the chair if any contentious matters were raised in relation to it.

The question I have asked and the points of order I have raised go directly to the HRL deal, which was described by the Auditor-General — and I am using my terms — as a questionable deal that involved a $8.5 million gift or loan to Kerry Stokes that will not be repaid to the citizens of Victoria. As you are aware, Mr Speaker, you are personally involved in

the HRL matter. I therefore ask, Sir, that you do what you said you would do on 8 October and leave the chair.

The SPEAKER — Order! There was no reference to me in the question. If there is a reference to the Chair, the Chair might well accept that point. The question was very distinct and clear, and it had no reference to me or my part as the former energy minister in this issue. If the question were specifically related to my part in it, yes, perhaps I would consider leaving the chair, but at this stage most certainly not.

Mr KENNETT — If ever one wanted to see a good example of someone who is not going to be the next leader of the Labor Party, that has been illustrated to us all today. I have given a very detailed description of the events and the value of that investment. There is no doubt that during the time of the discussion and the investment I spoke to a number of people. I spoke to people down at HRL and I spoke to people who were potential investors.

I speak to leaders of many companies in the hope that we can attract them here. If I were not to do that the likelihood of the government being able to establish that the state is open for business and has a pro-business environment would be very difficult. Again we have seen an illustration by the Labor opposition today of its absolute irrelevance to the community and, importantly, to any attempt to create genuine jobs.

The honourable member for Niddrie has in the past delivered the questions for his leader to ask, yet on the day on which he actually got to ask the questions he once again failed the test in any sense.

The SPEAKER — Order! The time for raising questions has expired.

Mr Haermeyer — On a point of order, Mr Speaker, during question time the Minister for Transport accused certain union officials of telling lies and you, Sir, sat through that and did not pull him up. During question time yesterday the Leader of the Opposition referred to a statement that the Premier had made as a lie and you, Sir, insisted on it being withdrawn on the ground that it was unparliamentary. I request some consistency in these rulings.

The SPEAKER — Order! I suggest to the honourable member for Yan Yean that before raising a fatuous point of order like that he get hold of the standing orders, *May* and past rulings of Speakers. He might then better understand what the ruling related to.

CRIMES (AMENDMENT) BILL

Second reading

Debate resumed.

Debate adjourned on motion of Mr ROWE (Cranbourne).

Debate adjourned until later this day.

AUDIT (AMENDMENT) BILL

Second reading

Mr KENNETT (Premier) — I move:

That this bill be now read a second time.

This bill proposes amendments to the Audit Act 1994, which will enhance the independence of the Auditor-General who will be in full control of a competitive framework for public sector audits.

The bill retains the essential features of the Audit Act, while strengthening the competitive framework within which audits in the public sector will be conducted. The appointment of the Auditor-General, conduct of financial and performance audits, reporting to Parliament and the powers of the Auditor-General to examine documents and persons remain in the act. Within this competitive framework, the Auditor-General will be entirely in control of the selection, appointment, payment of auditors and termination of audit services.

The Auditor-General and the Auditor-General's office will be fully resourced for their responsibilities. The Auditor-General, supported by a staff of professional officers, will appoint the auditors, assign the audit tasks, supervise the audit process and pay the auditors upon successful completion of audits. The Auditor-General alone will report to Parliament on audit matters.

The Victorian government has been in the forefront of national microeconomic reform since coming to office in 1992, and in 1995 endorsed national competition policy as a means to progress the living standards of all Victorians well into the next century. Under the national competition policy agreements, the commonwealth and all states were required by

June 1996 to identify legislation for review which appeared to contain restrictions on competition. The Audit Act was one among approximately 400 Victorian acts and regulations identified in this way.

As minister responsible for the Audit Act 1994 ('the act'), and as part of the Victorian government's commitment to implement national competition policy, I established an independent committee to undertake a review of the act. The committee reported its findings on 18 April 1997. I record the government's thanks to the members of the review committee, Professor Rodney Maddock, Mr John Dahlsen and Mr Ken Spencer for their contribution and hard work in putting together their comprehensive and detailed report.

The report found that increased competition in public sector auditing would be in the public interest, so long as the Auditor-General remained in full control of the audit program and reporting to Parliament. The report stated that the overall quality of audit services to the Parliament, the community and the government should improve through increased competition. The report recommended that the Auditor-General should become an independent officer of the Parliament, and that his or her budget should become the responsibility of the Parliament. It was recommended that all audits should become subject to a transparent, contestable process, and that a public body to be called Audit Victoria should be established to compete with the private sector for the conduct of public sector audits.

This bill is the result of the government's consideration of the report and reflects wide consultation in the development of a reform model that includes comprehensive safeguards to preserve the Auditor-General's independence.

The main features of the bill are as follows.

A statement of objectives will be included in the act for the first time.

The Auditor-General will become an independent officer of the Parliament. The intention behind this is to enshrine the relationship between the Auditor-General and the Parliament as the Auditor-General's principal client.

The Auditor-General will have complete discretion in the exercise of his functions or powers in accordance with this legislation.

While the Auditor-General will be required to have regard to the audit priorities of the Public Accounts and Estimates Committee, thus emphasising the Auditor-General's relationship with the Parliament, in no way does it restrict his independence. The Auditor-General will not be subject to direction by the Public Accounts and Estimates Committee.

From 1 July 1998, all financial and performance audits will be performed under contract to the Auditor-General, who will be in full control of the selection process for all auditors.

The Auditor-General will be the 'principal auditor' in accordance with the auditing standards. The Auditor-General will prepare audit specifications, review the work of authorised persons, and undertake such further work as he or she sees fit, and prepare a report. The Auditor-General's office will be adequately staffed to undertake this work.

All audits will be conducted by auditors that the Auditor-General will appoint from the private sector, or Audit Victoria, the public sector organisation which will be established under this legislation.

Audit Victoria will be established as a statutory authority to provide audit services under contract to the Auditor-General. Audit Victoria will be able to compete with the private sector to provide audit services to clients other than the Auditor-General. Audit Victoria will not be subject to the direction or control of the minister in relation to any audit. The board, which will be appointed in consultation with the Auditor-General, will be staffed in accordance with the by-laws of the relevant professional associations. Audit Victoria will be required to operate on competitively neutral terms with the private sector. This will ensure it has no financial advantages or disadvantages compared to private sector firms.

A number of staff of the Auditor-General's Office will transfer to Audit Victoria in order to establish the operational audit capability of that organisation. Audit Victoria staff will be entitled to remuneration, terms and conditions no less favourable than they were previously entitled to, and will be able to retain their current superannuation entitlements. Staffing arrangements will be determined by the Public Service Commissioner in consultation with the

Auditor-General and the board of Audit Victoria. Upon transfer, Audit Victoria staff will not be subject to the *Public Sector Management Act 1992*, enabling Audit Victoria to recruit and pay staff on comparable terms and conditions to those applying in the private sector.

The Auditor-General will use a public tender process to select auditors. However, the Auditor-General, at his or her sole discretion, will have the power to bypass the tender process and appoint an auditor without going to tender. When the Auditor-General bypasses the tender process, he or she must report to the PAEC on the reasons for doing so. It is anticipated that the Auditor-General would choose to bypass the tender process only in exceptional circumstances, where the Auditor-General determines that it is in the public interest do so.

The Auditor-General will be able to dismiss an auditor if the Auditor-General is satisfied that the auditor's performance is not satisfactory.

Performance audits will be retained in the act as an essential form of review of government performance.

The Auditor-General will consult with the PAEC and the agency to be audited on the scoping of performance audits, but is not subject to any direction.

The Auditor-General will be funded for performance audits and financial audits and expenses for his or her office through the Parliament. Auditees will be required to pay the costs of financial audits, as determined by the Auditor-General, into the consolidated fund.

The Auditor-General will still have the power to prepare and present an annual ministerial portfolios report to Parliament, as section 15 is retained in the act; and

Audit Victoria and private auditors will be required to sign their audit reports to the Auditor-General to ensure they are accountable for their work. Only the Auditor-General will make and sign reports to Parliament, the responsible minister, and the audited authority.

The independence of the Auditor-General will be maintained and enhanced under this bill. Responsibility for the Auditor-General's budget will be transferred to Parliament, further increasing the Auditor-General's independence from the government.

The work of the Auditor-General's Office will become more information centred as a result of the amendments. The office will become responsible for strategic overview and management of public sector auditing and parliamentary reporting.

This government recognises that one of the basic elements of the Westminster system is to maintain a strong and independent system of audit of the government in office and to maintain an independent Auditor-General whose primary reporting responsibility is to the Parliament and the people that parliament represents. This bill raises the high standards of public sector audit already applying in Victoria, by increasing the independence of the Auditor-General from the government of the day, and by introducing vigorous competition under the Auditor-General's control.

I commend the bill to the house.

Debate adjourned on motion of Mr BRACKS (Williamstown).

Mr KENNETT (Premier) — I move:

That the debate be adjourned for two weeks.

Mr BRACKS (Williamstown) — I move:

That the words 'two weeks' be omitted with the view of inserting in place thereof the word and expression '10 months'.

I have explained why an adjournment of 10 months is appropriate. These recommendations should not have come before this house until August 1998 as that was the date by which the Premier, on advice from his own department, was supposed to have the review completed. The document entitled 'National Competition Policy Victorian Government Timetable for Review of Legislative Restrictions' refers to the review of legislation and page 25 deals with legislation under the Premier's purview. It lists the Audit Act 1994, parts 1, 2 and 6 as being 'complex' and that the process should start in June 1998. The recommendation from his own department, freely and independently given, is that the process should end in August 1998. That is now history.

From 420 different acts in the document, the Premier has chosen only one to be reviewed by his department and by a separate panel — that requires

funding for three officers — to make recommendations almost 10 months earlier than planned. That is why this debate should be adjourned until, at the earliest, August 1998. Irrefutable evidence is contained in the advice delivered to the Premier that this bill should not be considered until the middle of next year.

One can only speculate why the Premier chose to advance the timetable for the consideration of this bill. You need to consider the acts under the Premier's control to know that they include gaming machine control, public safety and other legislation, most of which are to be completed by the end of this year and not next year.

The acts that the Premier should be reviewing under national competition guidelines have been postponed because he chose to nobble the Auditor-General. He has set out to get Ches Baragwanath and consequently has introduced this measure 10 months earlier than it should have been presented to the house. This is a set-up. The Premier has set up the audit office and the Auditor-General. This is the only one of some 420 acts that has been brought forward by 10 months. The government's priority has changed.

It should be noted that the Department of Premier and Cabinet indicated that the priority for this bill was low out of a scale of low, medium and high. It was at the minimum scale because of its complexity. The Premier has picked this measure out of the 420 acts because he wants to get Ches Baragawanath to stop the damaging audits.

Mrs Henderson interjected.

Mr BRACKS — The Minister for Housing must think we were born yesterday. She may think there is some better justification for bringing forward this matter. If that is so, I urge the minister to explain why the Premier has brought on the bill 10 months earlier. The minister should explain the rationale for bringing forward this bill rather than any of the other 419 acts not being brought on for amendment. The government has no defence or argument.

On the question of time, Mr Acting Speaker, the opposition needs to establish whether the forward program of the Auditor-General, which he set out in the documentation to the Public Accounts and Estimates Committee, will be adhered to. The minister's second-reading speech referred to transitional arrangements that will severely affect the work of the audit office in the next 12 months. The Auditor-General's submission to the Public Accounts and Estimates Committee set out the performance audits to be completed during the 1996–97 and 1997–98 financial years.

The bill clearly needs to be held over for 10 months so the opposition can establish whether the performance audits will be completed by June next year. Because the bill has been brought forward, it is likely that those performance audits will not be completed. They include a second audit of the scandalous Intergraph project, management of the gaming industry, Schools of the Future, Onelink, public transport reform, child care and kindergartens, case-mix funding in public hospitals, outsourcing costs in the public sector and privatisation projects yet to be established. That audit program is now in jeopardy and I would submit is unlikely to be completed by July 1998.

Because of the separation of the audit office and privatisation of the office in two years as proposed by the Premier, those performance audits may never be presented to Parliament. It is clear that has always been the intention of the Premier. When the Auditor-General proposed to hold performance audits into Intergraph, Onelink, privatisation and outsourcing, it was like writing his own death warrant. Fancy the Auditor-General ranging over those important public sector operations and being critical of the government's large projects. It is almost as if the Auditor-General begged the Premier to intervene, and he did that. The Premier set out to find an instrument to nobble the Auditor-General and he found his cover in the national competition policy.

The other reason why this matter needs to be delayed is because of its complexity. The national competition policy review panel in the Premier's own department rightly identified the Audit Act and its review as complex. The principal act is 16 pages long, but the amending bill has 45 pages. It is one of the most radical reforms that any government throughout western democracies can undertake. It is more radical than the New Zealand model.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member is straying from the question of time.

Mr BRACKS — Thank you for your advice. I raised the point briefly to indicate the complexity of the bill. It requires enormous time to consider the 45 pages of amendments to a 16-page act. The opposition and interested parties will be required to

consult widely, not just within Victoria, but worldwide. It will need to consult with authorities in other states and in New Zealand. This is landmark legislation from a radical government. Radical legislation such as this requires considerable consideration and the 10 month adjournment will allow the opposition time to consult with a large number of organisations. The matter is of great public interest throughout Victoria.

In the public meetings held in almost every electorate in the state, interested groups and individuals made submissions and comments, and they should be consulted. The Institute of Chartered Accountants of Australia clearly has a significant interest in the measure. The opposition would like to consult with the institute to see whether the 10-point plan that it established with the Australian Society of Certified Practising Accountants setting out eight key principles for examination of the Audit Act have been met by the proposed amendments. It is important that the opposition closely examines the amendments with the institute to see whether they fit in with the eight principles. Similarly, the opposition will want extensive discussions to discuss the same matter with the society which is a joint signatory to the plan.

The opposition will want to consult with Auditors-General throughout Australia, and particularly the Auditor-General of New Zealand, because the amendments are supposedly based on the New Zealand model. The opposition will take some time to consult with the New Zealand Auditor-General, David McDonald, who said that the Premier's proposals were more radical than what had occurred in New Zealand. In that country the audit office is part of the operation of the Auditor-General and we need to discuss with Mr McDonald whether he would still do what he said he would do when he visited Victoria recently, that he would not work under a similar system in New Zealand. The opposition needs to discuss this important measure with the Public Accounts and Estimates Committee of Victoria and with the equivalent committees in other states.

That has implications for all public accounts committees in all states of the commonwealth. We need to establish how this bill will work, especially when the commonwealth Auditor-General legislation does the opposite; it gives more strength and power to an independent Auditor-General without outsourcing or contracting out. We need to examine what this government's counterpart — the coalition federal government — is doing. Its legislation seems diametrically opposed to this government's bill. We also need to discuss with public accounts committees how the legislation works.

We need to discuss the matter with the state Ombudsman because, when giving evidence to the PAEC he said he would not tolerate his office's operating under the same conditions proposed by this amendment to the Audit Act. We need to discuss the matter with the Regulator-General. Section 23(1) of the Office of the Regulator-General Act states that the Regulator-General has complete operational independence. That is extraordinary: the government has given the Regulator-General the powers the Auditor-General used to have; yet it has changed the powers of the Auditor-General. We need to discuss with the Regulator-General whether contestability will be the method of operation. Will the Office of the Regulator-General be split off and will the Treasurer privatise the Office of the Regulator-General because, in many ways, they have similar functions. Section 23(1) of the Office of the Regulator-General Act enshrines in legislation the independent function of the Regulator-General.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member is testing the tolerance of the Chair yet again.

Mr BRACKS — I am relating to the bill.

The ACTING SPEAKER — Order! Not very successfully. I ask the honourable member to return to the amendment.

Mr BRACKS — I will do better. I thank you for your guidance, Mr Acting Speaker. The amendment provides for the bill to be delayed for 10 months. That coincides with the original intention of the committee established by the Premier's department to examine competition policy. That committee said that the matter should not come before the house before August 1998. It was to be considered in June 1998 and finalised in August 1998. Because the introduction of the bill has been brought forward, I submit that a whole series of discussions and consultations needs to take place around the country and internationally before we consider our final position.

We need also to consult with the National Competition Council, which said that the review of the act proposed by the legislation was not required. It was clear that the national council refuted the Premier's assertion that there was some compulsion

to seek a review of the act. The council said that was a wide interpretation of the task ahead.

We need also to consult with the Auditor-General, Mr Ches Baragwanath himself. However, Mr Baragwanath will need to make up his own mind about the legislation. We will need to have formal briefings with the Auditor-General to form our opinion. One has only to look at the weight of the submissions. I am being totally relevant to the amendment. One has only to examine what the Auditor-General has submitted to date about this matter. Look at the letter he wrote to every member of Parliament. Look at the foreword he wrote in his report on ministerial portfolios. Look at the two submissions, each of which was 200 to 300 pages long, that the Auditor-General made to the auditor review panel. Look at the other submissions he has made. One has only to recall those deliberative and lengthy considerations of the Auditor-General to realise the adjournment period is too short. To provide only the normal two-week adjournment period is an insult to the Auditor-General, who has given this subject considerable weight — weight in terms of documentation and weight in terms of his research.

The opposition wants to conduct the same sorts of examinations in the 10 months available to it. It wants to sit down with the Auditor-General and consider this matter properly. The opposition needs time to seek legal advice. There are two conflicting legal opinions about the veracity of the review of the Audit Act. One was by Mr Habersberger, QC, which was commissioned by the government to justify that it had the powers to undertake the review. As shadow Treasurer, I commissioned the other opinion from Mr Frank Costigan, QC. That opinion was diametrically opposed to the view submitted by Mr Habersberger. Mr Costigan said in his summary:

> In the circumstances it is clear that the attempt to base the review on the national competition policy is flawed beyond correction. It should be abandoned forthwith.

That opinion was diametrically opposed to the government's — —

Mr Stockdale interjected.

Mr BRACKS — We paid for this one! The opposition sought thorough advice from eminent counsel. It needs time to seek further legal advice and undertake the extensive consultations to which I referred, including an examination of the conflicting legal opinions provided to the government and the opposition. It needs time to look at the transitional arrangements set out in the 45 pages of amendments to the 16-page Audit Act. How will performance audits be conducted in future? What form will they take? This is a serious matter. As I said, a significant audit program lies ahead until 1 July next year. Those audits will be impeded if the bill passes in this form in the next three or four weeks. The transitional arrangements are such that the audit program will be thrown out. Performance audits of Onelink, Schools of the Future, public transport reform, child care and kindergarten outsourcing will be put out of kilter. We need time to examine whether there is an opportunity to have those issues put back on the rails.

We need time to examine whether the report on ministerial portfolios, which has been a feature of this Parliament for many years, will be a feature under the new act and the new regime. We also need time to examine the annual financial statement, which was tabled in the house two days ago. My cursory reading of the bill and the second-reading speech throws up no reference to it. There is no specific reference in the Auditor-General's report on the annual financial statement, which was submitted two days ago, that guarantees that will be produced when the accrual accounts are presented in the house at the end of the financial year. I need time to examine the bill in more detail. I do not know whether there is explicit reference to the report on the annual financial statement and whether the bill proposes that will happen. We need to examine whether that is the case.

The opposition also needs to examine whether the small one-off reports the Auditor-General presents from time to time will continue. I refer, for example, to the report on the credit cards that went missing from the corporatised statutory bodies that were sold off. They may be one-off reports but they save taxpayers' money. We need to examine whether the bill will allow that to continue.

The opposition also needs time to report back to public meetings and to the petitioners who have been extremely concerned about this issue over the past 12 months. I refer in particular to the 7000 signatories to the petition tabled in the house by the honourable member for Bundoora. Clearly there is a heightened interest in the matter. It will take time to report back to those petitioners on the contents of this bill and the opposition's response. The honourable member for Gippsland West also tabled a petition with almost 20 000 signatures.

Ms Davies — It had 21 068!

Mr BRACKS — There are more than 21 000 reasons why debate on the bill should be extended for at least 10 months. Thousands and thousands of postcards have been sent to the Premier seeking replies on individual and group claims that the proposal to change the Audit Act under the guise of competition policy was flawed and will diminish the independence of the Auditor-General. The Premier needs to reply to the postcards and explain how these people's claims can be satisfied. He needs to explain how the independence of the Auditor-General can be enshrined. As we look through the 45 pages of amendments to the act we will find those concerns were well founded. Victorians have everything to fear from this legislation.

The Auditor-General's report looks at and criticises some of the conduct of the government, and we must consider whether in future that sort of criticism will be made public through Parliament. I refer to the recent *Report of the Auditor-General on the Government's Annual Financial Statement, 1996-97*. This is probably the last time we will see this type of report tabled in this house.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member continues to incur the wrath of the Chair. I ask him to return to the question of time.

Mr BRACKS — We need at least 10 months to examine the full gamut of the reports presented to this Parliament by the Auditor-General. They include generic reports, including ministerial portfolio reports, reports on the annual financial statements, performance audits and financial audits — a wide brief. Significant time will be required to examine whether the legislation provides the Auditor-General with the ability to range over those matters in the future.

Effectively, the Auditor-General will no longer be an Auditor-General under this proposal. He might as well be renamed the Controller-General or the Contract-General, because he will simply be there to sign off contracts for letting out audits and sign them on when they come back to Parliament. That will be his residual role. We need time to examine his ability to range over the public sector as he believes appropriate.

We also need a considerable time to examine whether the new arrangements ensure there is no room for questions of conflict of interest to arise. It takes time to examine, for example, the potential recipients of the new audit function — the chartered accounting firms such as KPMG, Ernst and Young, Coopers and Lybrand and others — and discover whether they are at arm's length from the processes they are auditing. For example, it will take some time to look at the contributions those firms have made to the Liberal Party of Victoria and ascertain whether their contributions will in any way inhibit their independence in conducting audits.

We need to examine the legislation to establish whether it contains appropriate clauses providing proper protections and safeguards to ensure that arrangements are at arm's length and that at the end of the day the Auditor-General has the power to examine in detail the links private accounting firms that are contracted to carry out audits might have with either the agencies concerned or the party of the government of the day. They are key issues that go to the heart of the independence of the Auditor-General. If the objects set out in the second-reading speech are to be realised, we need to be satisfied on those matters.

The fundamental issue I raise is that this matter should not be before the house in the form of this bill at this time. That is the key issue. If the Premier had not intervened to bring the matter forward and had followed the proper time scale we would have been considering the bill in about August of next year at the earliest. The objective evidence shows that the bill would not have come before the house until August next year.

We all know what happened. The lame explanation the Premier offered was that he wanted to show the cabinet and the rest of Australia that he could take a leadership role. He decided he would pick from 420 different acts one on which he could show leadership. Which one did he pick? Surprise, surprise, he picked the Audit Act! What a fluke. Why didn't he pick an act that is within his own portfolio — for example, the Gaming Machine Control Act? It was supposed to be finished with in December this year. Will it be finished with? Why has he interrupted the process of examining that act? Why didn't he pick the Vital State Projects Act, which potentially inhibits competition in this state? If he had been genuine he would have picked that act, for which examination was due to be started in December this year and finished in March 1998. No, he picked the one — —

The ACTING SPEAKER (Mr Richardson) — Order! I ask the honourable member to return to the question of time.

Mr BRACKS — On the question of time, he picked an act for which there was a longer time scale and which was not due to be finished until August 1998. On a scale of low, medium and high it was deemed by his department to be of low priority.

That is the objective, independent and arbitrated reason that we should not be considering this matter now. We should be considering this matter about this time next year or a little earlier, but certainly in the spring sittings next year, because the Premier's own department told him that is when it would have the review completed.

The only reason the Audit Act was pulled out is that the Premier has a personal vendetta against Mr Ches Baragwanath and wants to get the Auditor-General. He set out to get him in November last year, after his report on Intergraph, after his report showing that the government received $174 million less than it had estimated from the casino, after he criticised the government for using taxpayers' money for political advertising. The Premier set out to get the Auditor-General and he used the cover of the competition policy legislation to do it. He went to his department and asked it to find him some way to get the Auditor-General. He finally got one.

The ACTING SPEAKER — Order! The honourable member, on the question of time.

Mr BRACKS — On the question of time, he finally got one — the national competition policy legislation. What the Premier failed to realise was that his own department, the Department of Premier and Cabinet, had actually completed the work for him in June 1996. It had done so without political interference, and it recommended that he not amend the Audit Act until at least June of next year. He had to go against the advice of his own department and take it to cabinet and say that somehow this is a priority. The cabinet, in its weakness, agreed with him.

If you were into good government, proper government, you would have said to him, 'Okay, let's review it, but let's do it within the proper time scale', which the department advised was June of next year. Instead you gave in to him because of his personal vendetta.

The ACTING SPEAKER — Order! The honourable member will address the Chair.

Mr BRACKS — This is all about the Premier's personal agenda to get Mr Ches Baragwanath. That is what he set out to do. This legislation should be delayed, and if government members voted with their hearts and were true to their real beliefs they would vote with the opposition on this matter because they know the bill should not be before the house before the middle of next year. They know the legislation is flawed. It is not needed — if it's not broke, don't fix it!

The Auditor-General's performance has been excellent and above recrimination. Those are the sorts of words the Treasurer used when, as the shadow Treasurer, he was defending the Auditor-General against the then Labor government. He is now supporting a piece of legislation that is reprehensible because it is designed to nobble the Auditor-General and to change his functions. The legislation should not be before the house at all.

Mr STOCKDALE (Treasurer) — The honourable member for Williamstown described the government as a radical government. The first thing that leapt to my mind when I was thinking of what sort of adjective to use to describe the Labor government was that if ever there were an example of a reactionary party it would have to be the Victorian ALP. I have to revise my thoughts after listening to the honourable member. One cannot even describe it as reactionary, because that implies some substantive position, whereas even in the context of a debate about time the honourable member could not display a position of substance. He merely put forward arguments on the detail of the bill that he has probably been rehearsing for six months.

The essential argument put by the honourable member for Williamstown is that the government has something to fear from the Auditor-General. Of course, if this government had been responsible for the collapse of the State Bank, the VEDC and the gold loans, the funny-money deals, and the $1.3 billion borrowings outside the Australian Loan Council's authorisation, that might make some sense. But in the five years this government has been in office you could count on the fingers of one hand the number of occasions when the Auditor-General has criticised the government's actions. One after another the Auditor-General has published reports that at least by inference welcome the government's reforms. The reports have congratulated the

government and drawn attention to the fact that it has corrected omissions and in some cases misdeeds by the former Labor government.

Mr Bracks interjected.

Mr STOCKDALE — I quite freely concede that he was critical in the case of Intergraph. I said you could count on the fingers of one hand the occasions when the Auditor-General has criticised the government's actions. No government could go through what you described as radical reforms without doing some things about which the Auditor-General could find room for criticism.

We do not shirk the responsibility of making decisions in fear that we might make some mistake. When an error is discovered, we correct it. In the case of Intergraph, the Premier acted promptly to rectify the problem and ensure it is performing as it is now — that is, very strongly — in the interests of the people.

The ACTING SPEAKER (Mr Richardson) — Order! As the Chair brought the honourable member for Williamstown back to the question of time, I advise the Treasurer to complete his introductory remarks and address the opposition's amendment to the motion — that the debate be adjourned not for two weeks but for 10 months.

Mr STOCKDALE — I understand that, with the interruption, I was diverted from the course of my argument, but it is relevant to time because one would expect that if one party were moving to adjourn an issue for debate for 10 months and another party wanted to adjourn the debate for two weeks, the Labor Party would leap onto its hind legs arguing that the government was running away from debate and would not be accountable in Parliament. In fact, the government is suggesting that the debate be adjourned for two weeks — the standard adjournment that the Labor Party has agreed to on many bills and, indeed, has argued for in seeking extensions of adjournment periods shorter than two weeks.

It is the standard procedure of this house to adjourn second-reading debates for two weeks. If anybody is running away from debate in this house and seeking to adjourn it to avoid accountability for the position it has taken, it is the Labor Party. Why? Because it realises the package the Premier has put forward, which has been on the public record for months, is acceptable and does not lend itself to the sorts of hysterical nonsense the Labor Party has been running for the past several months. The Labor Party wants to adjourn the debate so Parliament is not the forum in which debate takes place because it wants to run a scare campaign.

Mr Hulls interjected.

Mr STOCKDALE — I will get to the request for consultation. The government has nothing to fear from the Auditor-General. I would invite any independent review of the Auditor-General's report since this government came to office — —

Mr Hulls interjected.

Mr STOCKDALE — Actually, the Auditor-General has not criticised it. Yet again you are misrepresenting what the Auditor-General has said. You are a thug and you try to misinterpret and mislead people.

The ACTING SPEAKER — Order! The Treasurer will address the Chair.

Mr STOCKDALE — We need no better example of how the opposition conducts itself in this state than when it takes the Auditor-General's reports and misrepresents them in the wider electorate in the hope the media will write things up as the Labor Party suggests. That is the reason for bringing on debate and making the Labor Party accountable in here in two weeks. The Leader of the Opposition will be back in two weeks: no doubt he will put on the same hysterical performance as he did yesterday and put himself at risk, but at least he will have the opportunity to debate the bill.

The bill is no more complex than many bills on which the second-reading debates have been adjourned, by agreement, for two weeks. Indeed, it is considerably less complex than many bills which have been adjourned for two weeks, by agreement. What about the water, electricity and gas reform bills? Debate was adjourned on each reform bill for two weeks after the government had introduced them, usually by agreement with the Labor Party. Those bills were more complex in concept, detail and substance than this bill.

The substance of the proposals has been known in detail for month after month. The details have been known after being announced as the basis of the reform, to introduce contestability into the public audit process. They were canvassed in considerable detail in the review panel's report released many months ago.

Shortly after that, in response to the hysteria evoked by the misrepresentations by the Labor Party, the Premier issued a press release in which he made substantial commitments which are reflected in the bill. They enhance, and do not undermine, the independence of the audit office. For literally months the substance of the proposals has been available for the Labor Party to consult upon, to have dialogue with accounting boards and professional organisations and everybody else it wants to talk to, probably more than any other bill on the notice paper. The substance of the bill has been available publicly — —

Mr Bracks interjected.

Mr STOCKDALE — That is absolute rubbish. Your problem is you do not bother to do your homework. Many months ago the Premier issued a press release putting the substantive provisions of this bill on the record. Had you done your homework, you would have known that.

Let's take the argument the Labor Party has put forward today. If the Labor Party did not have a formal position and had reserved its judgment, had it said, 'In order to determine our position on this issue we need to consult with a wide range of people', there might be some force in the argument the opposition mounts today. But that is not the Labor Party's position. It does not say, 'We are in some doubt about this, we want to talk to everybody, to canvass other opinions and get good ideas' — no, it has had a public position on the issues for six months. Not only that, it is running a campaign, holding public meetings, putting forward its position.

Honourable members interjecting.

Mr STOCKDALE — I am happy for you to do that, but you cannot have it both ways. You cannot say, on the one hand, that you do not have a position and need to consult to get wisdom; yet, on the other hand, say you are the font of all wisdom and the only true defenders of democracy.

Honourable members interjecting.

Mr STOCKDALE — God help democracy! Socrates must be rolling around in his grave at the thought that the famous Greek institution of democracy depends on the efforts of a reactionary, ragtag mob like we have opposite! They can't even unite around preselections — how can they unite around a position on this bill?

The Labor Party's position is clearly not bona fide. It has no justification for the argument that the honourable member for Williamstown has just articulated as the core of his position. Why does the Labor Party want to talk to all these people when it has had its position not only fixed but in the public arena for six months?

Honourable members interjecting.

Mr STOCKDALE — Will you tell them what they think? Is that the purpose of the consultation? You need not ask them what they think — for six months you have been telling them what they think! I have read newspaper reports in which the Labor Party purports to speak for Victorians, expressing its views. I have seen *Age* editorials based on what the Labor Party says Victorians want. Now you say you need to talk to Victorians. Are you going to have retrospective consultation, to talk to them afterwards about the position you determined six months ago? Get off the grass! Everybody here, whether in the gallery, in the house or in the chair knows what this is about.

The ACTING SPEAKER (Mr Richardson) — Order! I remind the Treasurer that he should not refer to the gallery. If that occurs again, I will have no option but to take action.

Mr STOCKDALE — I do not recognise anybody in the gallery, but were there people in the gallery they would know — —

The ACTING SPEAKER — Order! I ask the Treasurer not to embarrass the Chair in that way.

Mr STOCKDALE — Everybody in the community would recognise these arguments for what they are: narrow political points that should not influence the course of important reforms in this Parliament.

There is nothing particularly dramatic about the reforms in the bill. Indeed, the implicit argument in the contribution of the honourable member for Williamstown was that special considerations have been raised in the contracting of audit work which required treatment different from the way the rest of government activity is carried on.

That cannot be a justification for any delay in dealing with the legislation because the Auditor-General has conducted the majority of his work by contracting to the private sector for many years. Indeed, the Auditor-General has publicly

stated that he subscribes to the view that it is important and appropriate that he contracts work to the private sector.

Indeed, this is a classic purchaser-provider provision. How can the Auditor-General conduct a properly contestable process for the conduct of audit work if he is, on the one hand, the principal in the relationship — conducting, calling for and evaluating tenders, conducting the tender process — and, on the other hand and at the same time, he is a bidder for that work?

The Auditor-General has written reports criticising tender processes on the ground of conflict of interest. Yet, now the opposition is arguing the debate should be adjourned for 10 months, among other reasons, so it can deal with conflict considerations. The bill will resolve the conflict that the Auditor-General has in being a bidder for audit work in a contestable processes and at the same time being the principal having to make judgments between contending audit bodies. For that reason alone it is important that it be dealt with expeditiously. If we are to have a contestable market for audit services in the public sector, as I am sure everybody agrees we should have, certainly the Auditor-General could not be heard to dismiss that argument because he has been doing that for years.

If we are to be fair dinkum and free from conflict of interest the bill needs to be passed quickly. It also needs to be dealt with, considered and passed quickly for reasons of the independence of the audit office. Contrary to the assertions of the Labor Party this bill does what has not been done in 160 years in Victoria — it not only guarantees and enshrines the independence of the audit office by force of law it also guarantees and enshrines its independence by the power of the purse, because until this bill is passed the Auditor-General is not an independent officer of the Victorian Parliament and his budgetary funding comes through the executive government.

The reforms in the bill enshrine the paramount authority of Parliament over the Auditor-General. They remove the executive power of the government both by virtue of the executive line of authority and by virtue of the power of the purse through the line of appropriation. The bill is important because it introduces important reforms that enhance the independence of the audit office, and that makes it even more urgent than normal.

A case could be made for moving more expeditiously than the standard two weeks. The Premier has again exhibited leadership by recognising that in the circumstances of this bill it ought to be adjourned for two weeks to give proper opportunity for consideration of it. However, there has been an opportunity literally for months for consultation to occur on the substance of the bill.

If the Labor Party does not know what its position is on this bill now how has it been conducting all these public meetings and putting out one press release after another. The Leader of the Opposition has been putting on his usual extravagant act in this place in circumstances that have nothing to do with the Audit Act and has chosen to use other forums as a means of advancing his fixed position in relation to this legislation.

The usual Labor hypocrisy has been exhibited today. It has nothing to do with any appropriate reflection on the bill. Instead it is simply a narrow political debate that is about point scoring. The house should not dignify it with any further consideration. When the bells ring for this matter we should record that we will move to deal with the bill two weeks from now.

Ms DAVIES (Gippsland West) — The Treasurer has claimed that these reforms have been discussed in some considerable detail previously. I most firmly disagree with what he said. The original proposals by the Premier suggested that the Auditor-General would be placed in Parliament as an officer of the Parliament, a little like a pimple on a pumpkin, all on his own; and I suspect there are other changes to the bill that I do not remember seeing.

The ACTING SPEAKER (Mr Richardson) — Order! I remind the honourable member for Gippsland West that this is a very narrow debate on the question of whether the adjournment should be for 2 weeks or 10 months. The honourable member is straying into debating the substance of the bill rather than the very narrow question of the duration of the adjournment.

Ms DAVIES — I support the opposition's motion to delay debate on the Audit (Amendment) Bill for 10 months. Discussions around this issue have been a major cause of concern being expressed in the community for almost the entire time I have been a member of this house.

I was asked by a group of concerned citizens to table in this house a petition expressing that concern — Defend Democracy is a community group that came into being specifically because of that concern — and

on 18 September 1997 I tabled a petition of 21 068 signatures. I commend the sterling efforts of James Wingate, who helped in the gathering of signatures. Others have gathered an equal number of signatures, if not more. That is a lot of people. That is a lot of concern, especially when the public meetings, letters and other forms of democratic protest are added.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member must relate her remarks to the duration of the adjournment, not the history of petitions and other issues that surround the matter.

Ms DAVIES — There were many expressions of concern. I should like to spend considerably more time than the two weeks proposed by the government in getting back to those people. The ideals expressed in the second-reading speech are very simply and clearly put; they sound laudable. However, the bill is not so clear and simple, and it is 45 pages long.

It will take me a long time to get through the bill. I have thick folders of letters from people who have contacted me about this issue, and I have a responsibility to provide feedback to them. That is part of my job as the member for Gippsland West. They want to know what is going on in Parliament. I want to fully inform them of what is proposed in the bill. I cannot get back to those people and they cannot read and digest the 45 pages of information in the proposed two weeks.

Government backbenchers have been seeking to reassure me over the past couple of days that the Premier has substantially backed down on the issue of the independence of the Auditor-General. Those government backbenchers have sought to reassure me that the Audit (Amendment) Bill enhances and guarantees the independence of the Auditor-General. As I said at the start of my contribution, the second-reading speech makes it sound like that.

If those backbenchers are correct, and the Premier has substantially backed down and guaranteed the independence of the Auditor-General, I would like to have a suitable amount of time to realise that for myself. Most importantly I believe members of the community would genuinely like to have time to realise that for themselves.

I am sure that the 90 per cent of members at the Liberal Party state conference who voted to express their concern at the proposed changes to the role and function of the Auditor-General would also like to check for themselves the fine details of the bill. So would Mr Speaker and the President of the Legislative Council. Members of the community deserve to have a proper amount of time to read the fine details of the proposed amendments.

I support the opposition's amendment which would delay for 10 months a decision on the Audit (Amendment) Bill. Perhaps government members, opposition members, we on the crossbenches and members of the community would then feel they had had the full details of what is proposed. I hope there will be the full amount of time — for example, 10 months — to allow proper consideration of the bill. If what is said in the second-reading speech is genuine the granting of that time will reassure us and there will be no further controversy on the matter. I commend the amendment to the house.

The ACTING SPEAKER — Order! I call the Minister for Youth and Community Services. I note that there are looks of surprise on the faces of members of the opposition. I point out to them that the honourable member for Gippsland West identified herself as supporting the opposition. The call therefore goes to the other side of the house.

Dr NAPTHINE (Minister for Youth and Community Services) — I speak against the amendment proposed by the honourable member for Williamstown and support the original position of the government, which is for an adjournment of two weeks on this matter. As the Treasurer told the house earlier, two weeks is the normal adjournment period for legislation that comes before the house without the preamble, community discussion and consideration this legislation has already had.

My experience of the practice is that the reason for adjourning consideration of legislation is to provide the opposition and members of the broader community with time to study the legislation and consider their position on substantial elements of it. In this case we have to ask how much time is required to study the substantial issues contained in the Audit (Amendment) Bill.

The bill is the result of many months of consultation, community debate and discussion. It has been the subject of unprecedented discussion in the media and in the community in the broadest forums available. Earlier speakers mentioned public meetings. As the honourable member for Gippsland West said in her contribution, discussion on this

matter has occurred over almost the entire time that she has been a member of Parliament. That indicates that there has been substantial discussion and consultation on the matters contained in the legislation.

What is in this legislation is not new to the community, to the opposition or to members of Parliament. The normal two-week adjournment is therefore absolutely appropriate in this case. As the Premier, who is the minister responsible for the Audit Act, has said a number of times, a review of the Audit Act was undertaken as part of the government's commitment to national competition policy. The Premier established an independent committee to examine the Audit Act with respect to competition policy.

The independent committee was headed by Professor Rodney Maddock and comprised Mr John Dahlsen and Mr Ken Spencer. It conducted a broad and open discussion and called for contributions from the community on issues to do with competition policy and the Audit Act. That went on for several months. There was an enormous amount of community consultation and discussion about the Audit Act, the implications for competition policy, suggested changes to and improvements in the act.

The committee reported its findings on 18 April 1997. The committee report was the subject of further discussion, consultation, community contributions and debate on the substance of the issues contained in it, and of all issues that have gone into the drafting of the amendment bill. Immediately following the committee's reporting of its findings the Premier indicated that for the first time in Victoria the Auditor-General would become an independent officer of Parliament, and that is enshrined in the bill.

The independence of the Auditor-General will be enhanced under the legislation. That position was recommended by the review committee and was endorsed by the broader community. Certainly, the independence of the Auditor-General has been one of the main issues of debate and consultation.

As the Treasurer said, when considering the amount of time needed when adjourning debate on a bill there is a need to look at the fundamentals of why an adjournment is necessary. The main reason is so that the community can consider the issues involved and the opposition can consider its position on the bill. As the Treasurer has said, opposition members have made it clear in public comments and in the broader community that they already have a fixed position on this matter. They do not need any time to consider their position on the legislation. Certainly they need no more than the two weeks proposed by the government to consider whether they will vote in favour of the measure.

Mr Bracks interjected.

Dr NAPTHINE — I ask the honourable member for Williamstown in a rhetorical sense: will he tell us now whether the opposition supports the legislation? Opposition members have made public comments up and down the state of Victoria saying that they are opposed to these changes and now they are saying that they need time to consider them. That shows the position of members of the Labor Party in this state. They are all over the place, up hill and down dale, and they are displaying their usual level of hypocrisy.

The nub of the issue concerns allowing people time to consider a matter and then members coming to Parliament with an informed view to represent their position and the views of those in their communities. Most legislation contains concepts, substantial matters and issues that have not been canvassed in the community before the legislation is introduced to Parliament. Often the first time people who are concerned about and interested in legislation get a chance to see it is when it is dealt with at the second-reading stage, but that is not the case with this bill.

As an honourable member who spoke previously and who supports the honourable member for Williamstown said, the substantive matters in this bill have been canvassed widely and extremely well throughout the community for some months and have been discussed with all the groups referred to by the honourable member for Williamstown. All the groups have put in submissions to the review team. They have responded to — —

Mr Bracks interjected.

Dr NAPTHINE — The honourable member for Williamstown says that he just wants time to have a bit of a jaunt around New Zealand and to talk to the New Zealand Auditor-General on this matter. I suggest to the honourable member that his time would be better spent concentrating on policy development and other issues that are relevant to try to ensure that he is the next leader of the Labor

Party. We know they are looking for a new leader — they are desperate for a new leader — and the honourable member for Williamstown is one of the Gang of Four contenders. On the issue of time — —

Ms Davies — On a point of order on relevance, Mr Acting Speaker, as you so rightly pointed out, the issue is the question of time.

The ACTING SPEAKER (Mr Richardson) — Order! I uphold the point of order, and I am sure the minister will be mindful of it.

Dr NAPTHINE — I am sorry, Mr Acting Speaker, I was distracted by the barbarous interjections of the honourable member for Williamstown. On the question of time, the substantive issues in the legislation have been widely canvassed by the review team and in the wider community, and there is no need for a longer adjournment than the two weeks proposed.

Debate interrupted pursuant to sessional orders.

The ACTING SPEAKER — Order! The time to interrupt business as ordered by the house has arrived.

CRIMES (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mrs WADE (Attorney-General); and Mr HULLS's amendment:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this bill be withdrawn and redrafted to — (a) enable the house to separately consider — (i) division 1 of part 2 of the bill; and (ii) the clauses dealing with the new forensic sample regime in part 4; and (b) include proper mechanisms to annually monitor and report to Parliament the impact of the bill on a victim's court experience; (c) include definition of 'substantial relevance' in relation to prior sexual history; (d) allow for initiatives to preclude the serving of a subpoena for victim's counselling notes and files; and (e) allow appropriate consultation procedures on the impact of people's rights as a result of increasing police powers'.

House divided on omission (members in favour vote no):

Ayes, 50

Andrighetto, Mr	McNamara, Mr
Ashley, Mr	Maughan, Mr
Burke, Ms (*Teller*)	Napthine, Dr
Clark, Mr	Paterson, Mr
Coleman, Mr	Perrin, Mr
Dean, Dr	Perton, Mr
Dixon, Mr	Peulich, Mrs
Doyle, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A.F.
Finn, Mr	Reynolds, Mr
Gude, Mr	Rowe, Mr
Henderson, Mrs	Ryan, Mr
Jasper, Mr	Savage, Mr
Jenkins, Mr	Shardey, Mrs
John, Mr	Smith, Mr E.R. (*Teller*)
Kilgour, Mr (*Teller*)	Smith, Mr I.W.
Lean, Mr	Spry, Mr
Leigh, Mr	Steggall, Mr
Lupton, Mr	Stockdale, Mr
McArthur, Mr	Tehan, Mrs
McCall, Ms	Thompson, Mr
McGill, Mrs	Traynor, Mr
McGrath, Mr W.D.	Treasure, Mr
McLellan, Mr	Wade, Mrs
Maclellan, Mr	Wells, Mr

Noes, 27

Andrianopoulos, Mr	Kosky, Ms
Bracks, Mr	Langdon, Mr (*Teller*)
Cameron, Mr (*Teller*)	Leighton, Mr
Campbell, Ms	Lim, Mr
Carli, Mr	Loney, Mr
Cole, Mr	Maddigan, Mrs (*Teller*)
Cunningham, Mr	Micallef, Mr
Davies, Ms	Mildenhall, Mr
Dollis, Mr	Pandazopoulos, Mr
Garbutt, Ms	Seitz, Mr
Gillett, Ms	Sheehan, Mr
Haermeyer, Mr	Thwaites, Mr
Hamilton, Mr	Wilson, Mrs
Hulls, Mr	

Amendment negatived.

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

AUDIT (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr KENNETT (Premier).

Mr THWAITES (Albert Park) — In a sense the Treasurer and the Minister for Youth and Community Services let the cat out of the bag in their contributions earlier in the debate. The Treasurer indicated that there was no need for the bill to be considered over a longer period because it has already been out there for consideration in the public domain. In saying that the Treasurer is implying that the bill being debated today is exactly the same bill as the one the Premier proposed earlier this year, that is, the same bill that has been roundly condemned by the Auditor-General, the CPA, the accountants, and just about every group in the community other than the government.

It was an admission by the government that, despite the Premier's comment that he listened to the criticism of his original proposals, there has been no real change. The honourable member for Frankston East promised to cross the floor over the legislation. I am now sure he will cross the floor because the Treasurer has said the basic principle that is before the house today is the same as that was put months ago by the Premier. If the honourable member for Frankston East was fair dinkum and not engaging in a cheap political stunt — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Richardson) — Order! This is an important issue. I ask the house to come to order and deal with it in a proper and orderly fashion.

Mr THWAITES — If the honourable member for Frankston East was true to his principles he would cross the floor on this issue, because the Treasurer and the minister have both admitted that the legislation is, in substance, the same proposal put by the Premier some months ago. They used that as the basis for saying there should be no improper adjournment period, according to the basic recommendations in the original timetable. They said it is the same basic proposal.

One matter that is totally different, that was never suggested by the Premier — as far as we know it was never put to the party room — was the proposal to privatise Audit Victoria. If there is one issue that needs some time to be reviewed and consulted upon it is the privatisation of Audit Victoria. I concede that a number of proposals in the bill were put by the Premier — in fact, most of them — but the privatisation of Audit Victoria is something he seemed to drag from the top of his head at the press conference when the proposal was introduced.

The privatisation of Audit Victoria will mean there will be no auditing arm within government doing the work and being responsible to Parliament. Instead, it will be responsible to the auditing companies, which are in it for profit. I do not believe there was any opportunity to discuss this issue at the public meetings. I do not believe the honourable member for Frankston East has had sufficient time to consider the proposal to privatise Audit Victoria.

Mr E. R. Smith — On a point of order, Mr Acting Speaker, you have said on many occasions during this very important debate that we are debating the matter of time. I remind you that the Deputy Leader of the Opposition is debating the question and not referring to the matter of time. I ask you to bring him back to order.

The ACTING SPEAKER — Order! The honourable member has been speaking for only 3 minutes. I am prepared to listen further before calling him to order.

Mr THWAITES — Absolutely on the question of time, Mr Acting Speaker, I want to give the honourable member for Frankston East time to consider his position as to whether he will support legislation that privatises Audit Victoria and to consider whether the legislation does exactly what the Premier announced some months ago and what the honourable member said he would cross the floor on.

The proposed legislation is about nobbling the Auditor-General. It is about silencing a critic who is one of the fundamental pillars of the Westminster system of democracy. Before a government introduces legislation and passes it through this house using its overwhelming numbers, legislation that undermines one of the fundamental principles of democracy, there needs to be time to consider its implications. The implications are numerous.

So far as I can see there are at least 10 grounds for a 10-month adjournment of the bill. The first reason to support the extension of time is that when a fundamental pillar of our democracy is under threat, you proceed with caution before making any change to it. You do not deal with the matter in two weeks; you take the 10 months that is needed to deal with it properly.

The second reason is that there is no need to rush. The Auditor-General is doing a good job. If there were an urgent problem with the office of the Auditor-General, such as if he were not performing his job, there would be some justification for considering the proposed legislation in the next couple of weeks. But as the Auditor-General is performing well, there is no need to rush.

The third reason is that many significant bodies are not only opposed to the proposed legislation, but more importantly, they are opposed to it proceeding in a hasty manner. Those bodies would certainly support the amendment recommending a full 10-month extension and adequate consultation.

The fourth reason is that the whole basis for implementing the changes — —

Mr E. R. Smith — On a point of order, Mr Acting Speaker, and to be consistent with your rulings throughout, it is quite obvious that whether anybody likes it the honourable member will go through the 10 points he has foreshadowed.

This does not have anything to do with time and he should be drawn back to debating the matter of time. Every other speaker today has been called into line, and I do not see why the honourable member for Albert Park should have any special privileges.

The ACTING SPEAKER (Mr Richardson) — Order! I do not uphold the point of order. I am listening very carefully to the honourable member, and he is relevant to the question of time. If he strays from that path, I shall rebuke him.

Mr THWAITES — I emphasise that each of these points are good reasons why there should be an extension of time. Each point is well thought out and totally endorses the amendment proposed by the honourable member for Williamstown.

The fourth reason is that the whole basis for implementing the proposed changes to the Audit Act immediately rather than waiting to proceed according to the original competition timetable is flawed. In fact, the national body responsible for competition policy does not support the urgent priority this government has given to the implementation of the proposed legislation.

The fifth reason is that serious legal implications need to be examined and some time will be needed to properly consider them before the debate proceeds.

The sixth reason is that more time is needed for the Auditor-General to complete important performance audits — for example, audits of the Onelink automatic ticketing fiasco and of the gaming industry. If the bill is rammed through in the next few weeks it is quite likely that the Auditor-General will not have sufficient time to complete the audits. If the audits are not completed, nobody in this house or in this state will have a proper opportunity to determine whether the Onelink automatic ticketing fiasco is more than just a fiasco or whether it is also an example of corruption and mismanagement, as we saw with Intergraph. Only if the Auditor-General is given time and the opportunity to complete the audits in an orderly way can this place be sure that there has been proper scrutiny of government administration.

The seventh reason is that the government needs time not only to develop its proposals on the privatisation of Audit Victoria but also to consult all those involved. The proposal has not been developed. It began with an off-the-top-of-the-head remark by the Premier at a press conference. A number of members opposite have approached members of the opposition to express their concern about the fact that the proposal was not put before a party meeting. I would have thought that one of the key reasons for allowing debate on the bill to be adjourned for a few months is that it will enable the Premier to go to a party meeting and tell the truth about his proposals to privatise Audit Victoria.

Mr Leigh interjected.

Mr THWAITES — The honourable member for Mordialloc is interjecting and out of his place, which is his fourth breach of the standing orders today. I hope he will make a proper contribution to the debate — which for him would be extremely rare — and say whether the Premier raised the privatisation of Audit Victoria with the party and whether it was discussed in the party room.

Mr E. R. Smith interjected.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member should return to the question of time.

Mr THWAITES — I hope I will not be interrupted again by the honourable member for Glen Waverley, whose comments are clearly aimed at undermining your authority Mr Acting Speaker, just as — —

Mr E. R. Smith interjected.

Mr THWAITES — That is what this is about, just as the Premier sought to undermine the position of the Speaker the other day in speaking to him about his actions in relation to the Leader of the Opposition.

The ACTING SPEAKER — Order! We have had our little run of that. We can now return to the question of time.

Mr THWAITES — We require a good deal of time to consider the privatisation of Audit Victoria. If insufficient time is allowed, Audit Victoria will be handed over to Liberal Party mates and donors rather than going through a proper tendering process, which necessarily takes some time.

In support of that contention, I point out that a number of the big six accounting firms are major donors to the Liberal Party. If insufficient time is devoted to determining which of those firms have donated money, and how much they have donated, it will be impossible to determine the conflicts of interest that arise in selling Audit Victoria to any or all of them.

Under the legislation the Auditor-General will play an important role in determining who gets what work. However, unless he has six or seven months to look at the donations and to examine the possible conflicts of interest that may arise, how will he be able to make a decision about contracting out the work by 1 July? If the bill is passed according to the government's timetable, by 1 July next year the Auditor-General will be left without any staff to do the work — and that is what this is all about.

He will be left with a cheque book and a telephone so he can ring the auditing firms and tell them to do the work. He will be able to sign the cheques, but he will not be able to use his staff to independently scrutinise government expenditure. There is no way the Auditor-General will be in a position to do his job in an impartial manner by 1 July next year.

The ACTING SPEAKER — Order! The honourable member is now debating the contents of the bill rather than the proposal to adjourn debate for 10 months. I ask him to return to the question before the house.

Mr McLellan interjected.

Mr THWAITES — How about you come over this side and vote with us on this, like you said you would. It's just double standards, is it?

The ACTING SPEAKER — Order! The Deputy Leader of the Opposition will address the Chair and address the matter before the house.

Mr THWAITES — I wish to raise a point of order.

The ACTING SPEAKER — Order! The Deputy Leader of the Opposition is out of order; he already has the floor. I ask him to address the matter before the Chair.

Mr THWAITES — Before the honourable member for Frankston East leaves I wish to draw a matter to your attention, Mr Acting Speaker. The honourable member for Frankston East just made threatening comments, which is in breach of the standing orders of this place. What he was implying was clearly offensive: he was seeking to have a fight outside. That is what he wants — he wants a punch-up outside because he is too gutless to come across here and vote with us.

The ACTING SPEAKER — Order! The Deputy Leader of the Opposition will return to the matter before the Chair or I will hear him no longer.

Mr THWAITES — I was raising a matter for your attention and for you to deal with, Sir.

The ACTING SPEAKER — Order! I did not hear the remark which was alleged to have been made by the honourable member for Frankston East. If a remark was made which the Deputy Leader of the Opposition finds offensive, the tradition of this house is that he may request a withdrawal. Does the honourable member wish to request a withdrawal from another member?

Mr THWAITES — Yes, I do.

The ACTING SPEAKER — Order! The honourable the Deputy Leader of the Opposition has requested the withdrawal of the remark he found

offensive. Is the honourable member for Frankston East prepared to offer a withdrawal?

Mr McLellan — Whatever he wants withdrawn, I withdraw.

The ACTING SPEAKER (Mr Richardson) — Order! The withdrawal has been made. I now call upon the Deputy Leader of the Opposition to address the matter before the Chair.

Mr THWAITES — I will turn to the next basis on which there needs to be an extension of time — that is, that the report on which this legislation is based is infected by conflict of interest. The report was prepared by a panel, one of the members of which was a Mr Spencer, a director of Crown and a director of Crown Casino. Debate on this matter must be adjourned for a longer period than moved by the Premier because in the next six months the Auditor-General will be undertaking a performance review of gaming in Victoria. If the Auditor-General does not get an opportunity to complete that review — which he will not get if the government's timetable is adhered to — —

The ACTING SPEAKER — Order! The Deputy Leader of the Opposition is debating the substantive issues within the bill and is not addressing the amendment before the house. I ask him to return to the question of time.

Mr THWAITES — I am endeavouring to point out that the current legislative program of the government will mean the bill will come into operation by 1 December this year. The amendment put by the honourable member for Williamstown would defer debate until after that time — in fact, it would adjourn debate on the bill for at least 10 months. By achieving that the Auditor-General will be able to complete his review of gaming in Victoria.

That is extremely important. It is of added importance because one of the members of the panel that recommended the proposed nobbling of the Auditor-General is a director of Crown, with a conflict of interest. The opposition is justified in seeking a deferment of consideration of the bill so that the Auditor-General can give proper consideration to serious matters associated with gaming in Victoria.

The Treasurer in his contribution made comments about Socrates rolling around in his grave. One of the major texts on this subject is a book by a Mr Normanton, *The Accountability and Audit of Governments*.

Government members interjecting.

Mr THWAITES — I am responding to the Treasurer's reference in this debate to Socrates.

The ACTING SPEAKER — Order! As I recall the Treasurer made a passing reference to Socrates. I expect the Deputy Leader of the Opposition to do no more than that.

Mr THWAITES — It will be a passing reference for the edification of some members opposite. This fundamental text states:

> Since the time of Aristotle it has been an accepted principle that state auditors should be free from direction, influence and intimidation by, and income or reward from, the authorities and persons whose affairs they are called upon to audit.

In this respect state auditors are in a position fundamentally different from commercial auditors. The principle from the time of Aristotle has been that it behoves anyone — including the government — who is dealing with taxpayers' money to do so in a cautious and sensible way, not to ram through the legislation with no consideration being given to the problems such as those being experienced by the current Auditor-General and his office or the problems associated with the privatisation of Audit Victoria and not allowing sufficient time to properly consult with all interested bodies.

I expect the proposed amendment will be supported by a number of honourable members opposite, certainly any members of the Public Accounts and Estimates Committee, because its view was that proposals such as these should not be proceeded with hastily. I can quote exactly what the committee said on mandate and scope of independence:

> This committee believes there should be no external or organisational impairment to restrict the Auditor-General in discharging his or her audit functions.

That is exactly what the proposed legislation will do.

The ACTING SPEAKER — Order! The honourable member is now debating the bill, not the motion. I ask him to return to the question of time.

Mr THWAITES — The Public Accounts and Estimates Committee would clearly require time to consider the proposal to privatise Audit Victoria. The committee has undertaken no consultation on privatisation. I do not know whether the chairman of that committee, Mr Forwood — well known as Backflip Bill — has had any consultation on it but the full committee has not, and certainly none of the Labor members has. I suspect the honourable member for Frankston East has not been consulted on this, either, unless he is going to enlighten us further.

I strongly urge the house to give the Public Accounts and Estimates Committee time to consider whether the proposed legislation complies with its edict of some months ago and that the legislation does not impair or restrict the Auditor-General in discharging his or her audit functions. At the same time, the opposition needs time to determine whether the Australian Society of Certified Practising Accountants believes the bill in its current form infringes the rules it indicated in its previous correspondence and press releases.

I have talked about the time the honourable member for Frankston East needs. Other members of the Liberal Party need time — among them none less than the federal Treasurer, Mr Costello, who has made very clear his views on the proposals. Although honourable members opposite may laugh about the federal Treasurer, and we laugh about him often — —

Mr Leigh — On a point of order, Mr Acting Speaker, this is a narrow debate about whether debate on the bill should be adjourned for two weeks or 10 months. The Chair has already pointed out to the honourable member for Albert Park that he is not speaking on the question and I ask you to direct the honourable member back to the question of time.

The ACTING SPEAKER (Mr Richardson) — Order! In the 3 minutes remaining to him, the Deputy Leader of the Opposition should address the Chair on the question of time.

Mr THWAITES — The time required by the opposition would be well spent in discussions with the federal Treasurer, because he has responsibility for the nation's finances and he has slammed the proposals and says he would not introduce anything like that at the federal level. In fact, he has strengthened the office of the Auditor-General. One wonders why we have to rush through this proposed legislation. Even the honourable member for Mordialloc, at least in his local paper, put up his hand as a defender of the Auditor-General. If the bill is passed in two weeks the honourable members for Mordialloc and Frankston East will keep a low profile in the hope that the issue will disappear and they will not have to be accountable or explain why this government wants to get rid of the independence of the Auditor-General, why the Auditor-General will have no staff to do the work of the office, why he will have only a telephone and a cheque book, and why at the end of the day Audit Victoria will be privatised and sold off to Liberal Party mates.

Mr E. R. SMITH (Glen Waverley) — I move:

That the question be now put.

The ACTING SPEAKER — Order! There having been five speakers on the question, I am therefore prepared to accept the motion that the question be now put.

House divided on Mr E. R. Smith's motion:

Ayes, 50

Andrighetto, Mr	Maclellan, Mr
Ashley, Mr	McNamara, Mr
Burke, Ms (*Teller*)	Maughan, Mr
Clark, Mr	Napthine, Dr
Coleman, Mr	Paterson, Mr
Cooper, Mr	Perrin, Mr
Dean, Dr	Pescott, Mr
Dixon, Mr	Peulich, Mrs
Doyle, Mr	Phillips, Mr
Elliott, Mrs	Plowman, Mr A.F.
Finn, Mr	Reynolds, Mr
Henderson, Mrs	Rowe, Mr
Jasper, Mr	Ryan, Mr
Jenkins, Mr	Shardey, Mrs
John, Mr	Smith, Mr E.R. (*Teller*)
Kennett, Mr	Smith, Mr I.W.
Kilgour, Mr (*Teller*)	Spry, Mr
Lean, Mr	Steggall, Mr
Leigh, Mr	Stockdale, Mr
Lupton, Mr	Tehan, Mrs
McArthur, Mr	Thompson, Mr
McCall, Ms	Traynor, Mr
McGill, Mrs	Treasure, Mr
McGrath, Mr W.D.	Wade, Mrs
McLellan, Mr	Wells, Mr

Noes, 28

Andrianopoulos, Mr	Kosky, Ms
Bracks, Mr	Langdon, Mr (*Teller*)

Cameron, Mr (*Teller*)
Campbell, Ms
Carli, Mr
Cole, Mr
Cunningham, Mr
Davies, Ms
Dollis, Mr
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hulls, Mr
Leighton, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs (*Teller*)
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Savage, Mr
Seitz, Mr
Sheehan, Mr
Thwaites, Mr
Wilson, Mrs

Motion agreed to.

House divided on omission (members in favour vote no):

Ayes, 51

Andrighetto, Mr
Ashley, Mr
Burke, Ms (*Teller*)
Clark, Mr
Coleman, Mr
Cooper, Mr
Dean, Dr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Finn, Mr
Henderson, Mrs
Jasper, Mr
Jenkins, Mr
John, Mr
Kennett, Mr
Kilgour, Mr (*Teller*)
Lean, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McGill, Mrs
McGrath, Mr W.D.
McLellan, Mr
Maclellan, Mr
McNamara, Mr
Maughan, Mr
Napthine, Dr
Paterson, Mr
Perrin, Mr
Perton, Mr
Pescott, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr A.F.
Reynolds, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr E.R. (*Teller*)
Smith, Mr I.W.
Spry, Mr
Steggall, Mr
Stockdale, Mr
Tehan, Mrs
Thompson, Mr
Traynor, Mr
Treasure, Mr
Wade, Mrs
Wells, Mr

Noes, 28

Andrianopoulos, Mr
Bracks, Mr
Cameron, Mr (*Teller*)
Campbell, Ms
Carli, Mr
Cole, Mr
Cunningham, Mr
Davies, Ms
Dollis, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Leighton, Mr
Lim, Mr
Loney, Mr
Maddigan, Mrs (*Teller*)
Micallef, Mr
Mildenhall, Mr
Pandazopoulos, Mr
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hulls, Mr
Savage, Mr
Seitz, Mr
Sheehan, Mr
Thwaites, Mr
Wilson, Mrs

Amendment negatived.

Motion agreed to and debate adjourned until Thursday, 13 November.

RAIL CORPORATIONS (AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this bill be now read a second time.

Following passage of the Rail Corporations Act 1996, V/Line Freight and Victorian Rail Track were separated from the Public Transport Corporation and established as state business corporations.

V/Line Freight Corporation (VLFC) was established as a rail freight operator, in direct competition with private sector rail and road freight operators. Victorian Rail Track Corporation (Victrack) was set up to establish, manage and maintain Victoria's non-electrified rail infrastructure network, including track, signalling, train control and stations. The bill further progresses the government's transport reforms, enabling the privatisation of VLFC and V/Line Passenger (VLP), and preparing Met Trains and Met Tram for privatisation.

The government's broad objective in reforming Victoria's public transport system is to obtain the best possible services for public transport users at least cost to taxpayers.

To achieve this objective, the reform strategy will aim to:

minimise subsidy costs subject to meeting agreed levels of service;

maintain flexibility in transport provision;

minimise disturbance;

transfer risk to the private sector where appropriate;

encourage worthwhile innovation;

continue high levels of safety; and

maintain multi-modal ticketing.

These public transport reforms are consistent with the structural reform principles of the competition principles agreement — namely, the separation of regulatory from commercial functions, the separation of potentially competitive elements and the provision for access to essential infrastructure.

Part 1 of the bill states the purpose of the bill and includes definitions. Part 2 provides for the amendment of the Rail Corporations Act 1996, and contains eight separate divisions. The bill provides for the privatisation of VLFC and VLP, and the eventual winding up of the VLFC shell after privatisation. This section gives the government the power to sell, assign or transfer the assets and liabilities associated with the business of VLFC.

The bill provides for the establishment of two government-owned metropolitan train corporations — Met Train 1 and Met Train 2 — and sets out their functions and powers. Both entities will be set up to operate metropolitan rail passenger services and other related services, and will have the power to enter into contracts or agreements which allow them to perform those functions. The corporations are also provided with the power to sell, assign or transfer the assets and liabilities associated with the business of both Met Train corporations, subject to approval of the minister.

Similarly, the bill provides for the establishment of two government-owned metropolitan tram corporations — Met Tram 1 and Met Tram 2 — and sets out their functions and powers. Both entities will be set up to operate metropolitan tram passenger services and other related services, and will have the power to enter into contracts or agreements which allow them to perform these functions. They will also be permitted to install, remove or relocate stopping places after consultation with the Victorian Roads Corporation and relevant municipal councils. These corporations will also have the power to sell, assign or transfer the assets and liabilities associated with the business of both Met Tram corporations, subject to approval of the minister.

Division 4 of the bill extends the Rail Corporations Act 1996 to provide for the allocation of former PTC assets and liabilities to a government-owned rail corporation. The division also provides for the allocation of assets and liabilities from the PTC or a government-owned rail corporation to a private entity.

The bill also:

provides for the transfer of PTC staff to government-owned rail corporations;

expands the functions of Victrack to include the management of tramway, light rail and metropolitan train services and infrastructure. This is a default provision for Victrack to step in if any operator is unable to fulfil its responsibilities;

amends the Transport Act 1983, to assign limited roles and responsibilities of the PTC to government-owned rail corporations and private passenger transport companies;

provides for public and private transport companies to issue infringement notices for fare evasion, subject to prescribed criteria and ongoing qualifications being met by both the private transport companies and individual employees; and

amends ancillary acts to accommodate government rail corporations and, in certain cases, private passenger transport companies.

The bill demonstrates the government's support for an effective and efficient public transport system, which is structured to provide the best possible service for all public transport users, at the least cost to Victorian taxpayers.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 13 November.

WATER ACTS (FURTHER AMENDMENT) BILL

Second reading

Mr STOCKDALE (Treasurer) — I move:

That this bill be now read a second time.

The bill makes a significant contribution to the process of reform in the water sector. It contains important measures for both metropolitan Melbourne and rural Victoria.

Metropolitan pricing reform

Of great importance are the changes that provide the legislative underpinnings to the recently announced package of reforms to metropolitan retail water and sewerage prices. The new pricing package introduces a flat service fee for each property connected to a water or sewerage system. Water and sewerage rates are to be abolished and the bill extensively amends the Melbourne Metropolitan Board of Works Act to reflect this change. The current system of basing charges on property values is unnecessarily complicated and unfair, involves large cross-subsidies, results in prices that are irrelevant to costs and provides little incentive to conserve water. Transitional arrangements are contained in clause 8 to enable the new pricing structure to be introduced on 1 January 1998.

Another significant feature of the reform package is the reform of legislative exemptions from the payment of water and sewerage charges. These changes will come into operation on 1 July 1998. After 1 July 1998, all metropolitan customers will be liable for water usage charges. All customers will be sent a usage bill but state government and state government funded bodies such as hospitals and public schools will be reimbursed through normal budgetary processes. All connected properties will also be liable for a service charge but qualifying customers will be eligible for an exemption of up to $260. The exemption will also be available to qualifying customers of non-metropolitan urban water authorities. The exemptions will be funded through transparent community service obligation payments made by government to the authority or retail business providing the service.

The exemptions will be available for properties used predominantly for education, hospital and nursing care, religious worship, outdoor sporting and recreational activities or charitable purposes, provided the activity is conducted on a not-for-profit basis. Water for firefighting purposes from public hydrants will continue to be provided free.

Clauses 25 and 31 amend the legislation to enable the minister to make orders specifying the amount of the exemption and the classes of properties for which an exemption must be granted. The legislation also provides for the water businesses to be reimbursed the amount of any exemption.

Part 2 of the bill

Part 2 of the bill contains the changes to the Melbourne and Metropolitan Board of Works Act which remove the ability to impose water and sewerage rates. It also amends the act's drainage rating provisions. Over the years, the drainage rating provisions have become extremely complex and unduly prescriptive. The level and structure of drainage charges will continue to be subject to government regulation, but greater flexibility will be allowed in how the fees are structured. This flexibility is already available outside the metropolitan area.

There is no immediate proposal to move off drainage rates or to make any other substantial change to the way metropolitan drainage and flood plain management is funded. However, the new flexibility is important for encouraging innovative drainage solutions for new developments. Where particular residential developments specially benefit from works carried out or maintained by Melbourne Water, the new flexibility can be used to require those properties to make an appropriate financial contribution.

Part 3 of the bill

Part 3 of the bill contains amendments to the Water Act 1989. The most significant of these concern the management of scarce ground water resources, interstate trading in water, fees for water licences and corporate planning requirements.

The new charging arrangements for ground water used for stock and domestic purposes will apply only in limited circumstances and implement a recommendation of the State Groundwater Council. Stock and domestic users within a ground water protection supply protection area will be subject to a charge only if the management plan for the area provides for this. Limiting the ability to charge to ground water supply areas puts in place a statutory consultation and management plan development process which will fully involve ground water users prior to a decision being made to impose stock and domestic charges. A management plan is developed in consultation with local users and must be approved by the minister.

The changes contained in clauses 15 and 20 implement a decision made in June 1996 by the Murray-Darling Basin Ministerial Council to develop a pilot scheme for permanent interstate trade. COAG supports interstate trade as a means to

encourage the most efficient use of water and ensure a greater economic return on water. The proposed pilot scheme will involve permanent trading in water across state boundaries between users in the Mallee region of Victoria, New South Wales and South Australia. For the pilot scheme to proceed, changes are required to the Murray-Darling Basin Agreement and each state's legislation.

Care is being taken to ensure that the overall cap on diversions will not be broken because of this interstate trade, and that environmental approval processes are roughly equivalent in each state. At this stage, trade is to be confined to private diversion licences, which have low annual charges, so that the differences in each state's pricing regime will not distort trade. The pilot scheme will not be extended to users in irrigation districts until a level playing field has been established for pricing.

Clauses 17 and 18 give authorities the ability to set fees at a level to recoup their administrative costs in providing various services. Currently, statewide fees are set by regulation with no regard to an authority's business cost structure. Fees for processing licence applications will be set by authorities under delegation from the minister. Fees for other services will be scrutinised by government as part of the business planning process, and the changes to the latter will make the fee setting and oversight process more transparent.

Clause 23 implements the government's commitment to provide $410 million to the non-metropolitan urban water authorities to facilitate price reductions, averaging 18 per cent, and to partially fund 370 projects across the state. The funds will accelerate capital works to improve water quality and the environment. The financial assistance will significantly enhance the quality of life across regional Victoria. The ability to appropriate the money will ensure that the funds are made available in this financial year.

Part 4 of the bill

Part 4 of the bill amends the Water Industry Act 1994. In addition to reforming exemptions from charges, there are other changes which deal with pricing matters.

The changes in clause 28 complement the reform of exemptions. With the changes to exemptions on 1 July 1998, the need for alternative charging arrangements for non-rateable land will also disappear and the sanitary service charges will be repealed. In the meantime, however, the changes in subclause (1) ensure that an occupier of non-rateable land cannot be charged for a sanitary service charge and a sewage disposal charge at the same time.

The changes in clause 29 to the liability of certain occupiers reflect the move to consumption-based charging. They provide that all separately metered tenants can be made responsible for charges directly related to the amount of water consumed or waste water discharged. Separately metered residential tenants can already be made liable for usage charges and the changes extend that principle to all categories of occupiers.

The amendments in clause 35 require a retail licensee to prepare a drought response plan and emergency management plan, and enable water restrictions contained in a plan to be imposed after advertisement. All metropolitan retail licences and non-metropolitan authorities are preparing or have prepared plans for responding to a water shortage caused by drought. The new provisions give this practice a legislative basis and ensure that water restrictions are imposed in the context of a total strategy for dealing with a water shortage.

Plans are prepared by the licensee, with community input, and must be approved by the minister. A drought response plan will contain various sets of restrictions of varying severity, which progressively come into effect as supplies become more limited. An emergency management plan will also contain restrictions to deal with a shortage caused by an emergency, such as the contamination of a supply source. By public notice, a licensee will be able to impose a set of restrictions contained in a plan and, after a further warning notice is given, a person can be prosecuted for non-compliance. A reserve power has been included to enable the Governor in Council to override the provisions of a plan or to direct a licensee to take specified action in an emergency or a drought.

Another set of important measures are contained in clauses 38 and 39. These provisions contain a number of evidentiary provisions designed to reduce the time and cost for all parties of litigation involving a retail licensee and to strengthen a licensee's ability to deal with the problem of dangerous and unauthorised discharges to sewers. The illegal use of a sewer to get rid of dangerous material can have very significant impacts on the environment, the health and safety of sewer workers, sewerage treatment processes and the life of a sewer. Licensees are prohibited from accepting

trade waste having these effects but the act lacks teeth to enable successful prosecution where such discharges occur.

Part 5 of the bill

The final group of amendments are contained in part 5. They ensure that references in public health legislation to water authorities apply to all bodies with public water supply responsibilities. The relevant definitions and references contained in the Food Act 1984, the Health Act 1958 and Health (Fluoridation) Act 1973 are to be updated to include the metropolitan retail licensees, municipal councils with water supply responsibilities and Melbourne Water Corporation.

Clause 44 of the bill inserts new section 13 into the Health (Fluoridation) Act 1973. Section 13 states that it is the intention of section 4 of the 1973 act, as it applies with respect to the expanded meaning of the term 'water supply authority', to alter or vary section 85 of the Constitution Act 1975.

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by the bill.

By way of background, the Health (Fluoridation) Act 1973 imposes obligations on a water supply authority in relation to the fluoridation of public water supplies and contains protections for that authority when acting in accordance with the act. Section 4 of the act specifically provides that no action shall lie against a water supply authority, a member of an authority, a person acting under the direction of an authority or a contractor acting on behalf of an authority, in respect of anything done in regard to the fluoridation of a public water supply in accordance with the provisions of the act. The reason for the exemption is to ensure that a body is not exposed to litigation when acting to implement a decision of government based on public health grounds.

By expanding the term 'water supply authority', additional bodies are brought under the scope of the act and have the benefit of the prohibition contained in section 4. It is intended that the amendments have this effect and that no actions be allowed against those bodies with water supply responsibilities, as provided for in section 4. If those bodies are to be made subject to the obligations imposed by the act and carry out activities in the public interest in accordance with the act, they should also be able to take advantage of the protections afforded by the act.

I commend the bill to the house.

Debate adjourned on motion of Ms GARBUTT (Bundoora).

Debate adjourned until Thursday, 13 November.

Remaining business postponed on motion of Mr STOCKDALE (Treasurer).

ADJOURNMENT

Mr STOCKDALE (Treasurer) — I move:

That the house do now adjourn.

Lorne: sewage treatment

Ms GARBUTT (Bundoora) — I direct to the attention of the Minister for Conservation and Land Management the illegal discharge at Lorne from the ocean outfall sewer and I ask that she explain why the Environment Protection Authority has failed to prosecute, to enforce its own licence conditions and impose the set penalties. Barwon Water has a licence to discharge at Jump Rock, North Lorne. Point 4 of its licence requirement for waste quality states:

The waste shall contain no floatable material.

The Australian Surfriders Association has been active on this issue and it has provided date-stamped video footage taken on 6 August, which clearly shows floatable material near the outfall pipe. It provided the footage direct to the EPA. It has also taken photographs over the past 10 months which it is willing to make available to the EPA, which provide similar evidence.

Less than a week later, on 12 August, the EPA indicated it would be doing nothing. Its response was weak and inappropriate; it basically said that the new treatment plant being built would solve all the problems when it was operating next year. It would see a great improvement in water quality. The video footage illustrates the problems associated with untreated sewage being discharged into the ocean.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member must ask for action to be taken. She has 1 minute only in which to do so.

Ms GARBUTT — I have indicated that I want the minister to give the EPA instructions to enforce its own licence conditions, to impose set penalties and

to protect the health and environment of the people of Lorne, including the thousands of tourists who will be holidaying there this summer — as they do every summer. Those conditions should be imposed for health and environmental reasons, but they are being ignored despite the firm evidence provided by the Australian Surfriders Association direct to the EPA, including the date-stamped video footage and photographs. The EPA has declined to do anything about the matter. It has not investigated it, it has not taken action and it has done nothing to enforce its own licence conditions.

Donburn Primary School

Mr PERTON (Doncaster) — I direct to the attention of the Minister for Education a number of primary schools in my electorate. By way of illustration I refer to the Donburn Primary School, which has a hardworking community of teachers, an excellent principal, Bob Wadley, and acting principal, Sue Henderson. It has an active and caring school council and an excellent community of parents.

Recently I have made a number of visits to the Donburn Primary School, during which I have opened its computing centre and have presented it with maintenance grants from the government of $329 000 and $41 000 — after it had been left in the lurch for many years by Labor governments. The school integrates its civic officers and local members of Parliament into its activities. Last month I had the opportunity to open a play centre at the school, which is full of safe and sturdy play equipment. It is always a pleasure to share these sorts of activities.

The dedication of the people involved at the Donburn Primary School is something to behold. However, like several schools in my electorate, the school has a problem. In keeping with new methods and new thinking in education, it wishes to integrate its efforts with those of a kindergarten. The school has entered into negotiations with the East Doncaster kindergarten community and has agreed that it would be in the interests of the children, their parents and the community if teaching efforts were merged. So the Donburn Primary School, with the agreement of the kindergarten community, has drawn up plans for and wishes to proceed with the construction of a kindergarten on its grounds.

In August a ministerial memorandum to school principals stated that primary schools would be permitted to manage their own preschool operations. Donburn Primary School has taken the initiative and drawn up plans, but in a meeting with the local manager of the region it has found that there is uncertainty about who is responsible for giving permission to construct these sorts of facilities. The project cannot gain town planning exemption from the local municipal council without a ministerial approval for the building to go ahead.

I ask the minister to clarify the situation. Who is to give the Donburn Primary School community permission to build a kindergarten? I look forward to the answer, not only on behalf of the Donburn Primary School, but also on behalf of the other schools that have raised the issue with me, including the Beverly Hills Primary School, the Doncaster Primary School, the Millgate Primary School and others that are interested in providing even better education facilities to the community through the integration of primary school and kindergarten communities.

Schools: maintenance

Mr MILDENHALL (Footscray) — I draw to the attention of the Minister for Education the fact that the maintenance grant system he has just announced is a shambles. I refer particularly to the Sunshine North Primary School, which is in an area that is doing it tough. The school has 250 students, 150 of whom receive the education maintenance allowance (EMA), and it has very high maintenance needs. In recent years the school has raised $70 000 towards its maintenance.

The recent government maintenance audit identified that the school urgently needs $130 000 for works related to health and safety. It was therefore extraordinary that last week the school council received a letter from the minister saying:

> ... I announced a $20.1 million program to facilitate the maintenance of our schools ... I am happy to inform you that I have allocated a grant of $190 to your school —

A grant of $190, from a stingy reincarnation of Scrooge! The school urgently needs $130 000, yet it gets $190! The president of the school council said that when members of the council read the letter they thought the decimal point was in the wrong place and that they would rather have received nothing. An amount of $190 does not even pay for the toilet paper used at the school in a year. I ask the minister to justify allocating only $190 against the audit figure of $130 000. The only explanation offered to the school in an answer from the

department was that it has too many classrooms — so it ignored all of them.

This comes on top of the minister's continuing to ignore the needs of the Dinjerra Primary School in my electorate, which is the worst school I have ever seen. It makes a magnificent effort, but the buildings are an absolute disgrace. Despite its request for $10 000 for urgent works, the need for which received statewide publicity, it received $5000 — but staff at a school in North Footscray were completely amazed to receive $138 000.

The administration of the scheme is an absolute shambles. The assessments need to be revisited, particularly for Sunshine North, which should be a high priority.

Kyabram: psychiatric services

Mr MAUGHAN (Rodney) — I ask the minister at the table to raise with the Minister for Health in the other place the provision of psychiatric services in Kyabram. I have a letter from the medical staff at the Kyabram and District Memorial Community Hospital on the issue, and I understand a copy has been sent to the minister.

By way of background I point out that under the local government restructure the town of Kyabram became part of the Shire of Campaspe. That led to changes in the health region boundaries and meant that the town's psychiatric services should be met from Bendigo, which is more than an hour's drive away, rather than from Shepparton, which is a natural catchment area for Kyabram. I will allude to some of the problems that result from that.

The general practitioners of Kyabram argue that although funding has been received to provide the services from Bendigo, it should be possible to contract services through Shepparton because it is the natural catchment area. Shepparton is only half and hour's drive away, and many Kyabram people work there. They say that in their opinion — and they give a number of reasons — providing the services from Bendigo would have significant and adverse consequences for psychiatric patients in Kyabram. The main reasons include the effect on stability of management, which for psychiatric patients is paramount; the increased difficulty of arranging transport to Bendigo as opposed to Shepparton; and the time problem involved when police or ambulance officers are out of town and there is a compulsory admission to hospital. The letter concludes:

> Whilst we will be at liberty still to refer patients to Shepparton specialists for all the other medical disciplines, our psychiatric patients will be forced to travel much further afield. Is this fair? Is this the best use of scarce local resources? Surely commonsense can prevail here ...

On behalf of the doctors working in Kyabram I ask the Minister for Health to give serious consideration to providing psychiatric services from Shepparton on a contract basis, obviously paid for by the Bendigo region.

Police: disciplinary procedures

Mr HAERMEYER (Yan Yean) — I ask the Minister for Police and Emergency Services to advise the house what he intends to do about a group of Victoria Police officers who, it has been proved, attempted to bribe an officer of the Victoria Police air wing by offering him $10 000 to spot a large marijuana crop so they could harvest it and sell it to the public. The police officers are still in the force and have not been dealt with. I also ask minister to review the witness protection arrangements that apply to people who appear as witnesses in internal police disciplinary proceedings. I raise the matter as a result of an article in the *Age* of Tuesday, 28 October, which pointed out that, apart from attempting to bribe a fellow police officer, the group had previously stolen drug crops from the backyards of private homes.

In the first place, the evidence against them was deemed insufficient to take to court. However, at the same time, because the main informant was not prepared to give evidence to a police disciplinary tribunal because of a lack of witness protection being available, these officers are not being further dealt with.

A further concern that comes out of that article is the revelation that apparently one of the corrupt officers involved received an anonymous letter advising him that he was under investigation. Clearly someone in the ethical standards department has advised the corrupt officers that they are under investigation, and that has contaminated or compromised the investigation against the officers. It is an appalling situation.

We have a police force of more than 10 000 officers and they are overwhelmingly decent, honest people. There will be corrupt officers in any police force but my concern is the way corrupt police are being dealt with, or in the instance we are talking about here,

not being dealt with. The officers involved are still in the police force. They are not able to be charged under criminal law yet because of the arrangements, about which the government has been warned time and again — —

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member's time has expired.

Mentone Girls Secondary College

Mr THOMPSON (Sandringham) — I raise a matter for the attention of the Minister for Education. My electorate contains a number of excellent local schools, one of which is the Mentone Girls Secondary College. It has over 1000 students and for more than 40 years has had an outstanding reputation for educating local girls. It also draws students from a much wider domain.

Lesley Boston, who is currently the principal at MacRobertson Girls High School, was the principal at Mentone Girls Secondary College a number of years ago. She had a vision for the local school community of developing an outstanding gymnasium complex which could also be utilised as a school hall. Unfortunately the college did not qualify for departmental funding on the basis that it had a hall that could be converted for musical and drama purposes. However, it was difficult to combine those uses with the need for a larger indoor recreational area.

In concert with her school council a plan was developed whereby parents would contribute to a building fund through a voluntary annual donation. In recent times that has come to fruition and the school has been able to commit $1.3 million to the development of a marvellous structure. The school is on a small building envelope of land and the complex will be used both by the students at the school and members of the wider community. The City of Kingston has contributed some $50 000 and given an undertaking to contribute a further $150 000 to the project to provide a community facility that will be available for use out of hours.

One difficulty is that the gymnasium, which has a height of some 30 feet, is juxtaposed to the eastern boundary of the school site. Nearby residents, Mr and Mrs Hocking, are of the view that their enjoyment of their backyard has been impaired. The backyard contains orchids Mr Hocking has cultivated over many years, a pigeon aviary and a general bird aviary. He is concerned about the loss of his backyard amenity.

I seek the advice of the minister on whether there is an historical precedent whereby, on the basis of people forbearing to exercise their right to sue for nuisance arising out of loss of enjoyment and any other aspects relating to the tort of nuisance, there might be any solatium payable to them for the loss of enjoyment of their backyard.

Housing: waiting list

Mrs MADDIGAN (Essendon) — I raise with the Minister for Housing the critical and unacceptable waiting length for priority housing in my area. I will use as an illustration of this particularly severe and unacceptable problem three cases in my electorate that have come to my attention recently. The first concerns the Soumelidis family, a family of two adults and a school-aged child. The family received approval for priority housing in May and were told at the time that they would receive it within a month. They are still waiting. In our most recent discussions the local housing office informed us it would be at least 18 months before priority housing was available for them.

The second case involves Mrs Southgate, a 75-year-old disabled resident. She has a number of disabilities, including severe glaucoma. Her application for a transfer to ground-floor accommodation was approved by the housing ministry some time ago. She has been told it will be four and a half years before that transfer is likely. It is outrageous to do that to a 75-year-old woman!

The third case is that of Mrs Corner, who has two children, aged 4 and 7. She has recently had a leg amputated and is quite disabled. The house she currently lives in is due to be demolished in December. The only accommodation she has been offered is a third-floor unit. What she is supposed to do if the lift does not work I cannot imagine. She received approval some time ago, but she has been told there is no priority housing available.

If those three cases I have cited were the only ones on the priority waiting list that would be bad enough. I understand from my local housing office that currently the list consists of 184 cases, most of whom include a person with some disability. It is outrageous. When this state had appropriate public housing, priority housing was available within one or two weeks; now we are told the waiting period is some 18 months or more.

I ask the Minister for Housing to take action immediately to ensure adequate housing is available for people on the priority housing list.

Telephones: 02 prefixes

Mr A. F. PLOWMAN (Benambra) — I refer the Premier, and in his absence the minister at the table, to an issue relating to those areas of Victoria with the 02 telephone prefix. I ask the Premier to intervene on behalf of those telephone subscribers adversely affected by the use of the 02 telephone prefix in Victoria. Honourable members might ask what is the importance of this, or what does it matter what your telephone prefix is? When the prefix was first introduced in north-eastern Victoria, which is the only area in Victoria subject to the 02 prefix, there was an extraordinary amount of confusion. Publications came out with the old 03 prefix, so when people tried to ring agencies in Wodonga or the Upper Murray area they could not get through. That resulted in extraordinary difficulties for agencies in that area.

Similarly, people receiving mail with an 02 prefix on the letterhead imagined it came from a New South Wales area, and therefore addressed their return mail to New South Wales. That resulted in mail going astray for days or weeks, further adding to the confusion. There were attempts to fax my office using the 03 prefix, and I imagine therefore many other offices, but they never arrived. That was the initial confusion.

The problem now is the difficulty of accessing 1800 numbers. If you have an 02 prefix and you ring a free 1800 number in Melbourne, unless that prefix has been debarred from the 02 prefix you cannot get through; they will not accept your call. We have a museum in Wodonga with sister museums around the state; you cannot get through on its 1800 number. You cannot ring the free 1800 number of the Ombudsman or the Legal Ombudsman, and many other Victorian agencies or departments, unless the 02 prefix is debarred.

The ACTING SPEAKER (Mr Richardson) — Order! Can the honourable member demonstrate the responsibility of the state in this matter? As I understand it, it is a federal government responsibility. It would be helpful if the honourable member could frame his words in a way that weaved it into the responsibilities of the Premier.

Mr A. F. PLOWMAN — I ask the Chair to stop the clock so that the matter can be debated.

The ACTING SPEAKER — Order! The honourable member's time has expired. I call the honourable member for Dandenong.

Tabcorp: computer system

Mr PANDAZOPOULOS (Dandenong) — I raise for the attention of the Minister for Sport Tabcorp's computer system, which has been a problem for five years. It affects Tabcorp's responsibilities under state regulations and has the potential to affect the state's earnings. On 21 October I was surprised to hear the Minister for Sport say on the Channel 10 news program:

> I can't make a promise about Melbourne Cup Day computer performances.

Honourable members are aware of the regular breakdowns of the Tabcorp computer during the running of the Melbourne Cup. Last year Tabcorp failed its biggest test, which was to make sure that racing punters could go to their local TAB agencies to place bets on their preferred horses. The person running Tabcorp is the $8 million man whose appointment the Premier said was the biggest mistake he had made.

Last year I raised with the minister the crash of Tabcorp's computer system. The *Herald Sun* of 7 November 1996 ran an article headed 'Kennett fuming at TAB crash'. The problem has been around since the system crashed in 1992. On 6 November 1992 the minister was reported in *Hansard* as saying that the system would be repaired in 12 months, yet it crashed last year.

This has been a five-year debacle. On 5 December last year the minister told me that Tabcorp was in the process of upgrading its computer system to meet customer demand. He also said:

> I have no doubt Tabcorp will complete this project as soon as possible.

I cannot reconcile those statements with the minister's statement on Channel 10. Punters are unsure what will happen and are disadvantaged. TAB agencies are disadvantaged and government revenue may be lost. I ask the minister to reconcile his statement on Channel 10, that he could not guarantee that the computer system will not crash, with his statement to me last year that he has no doubt that Tabcorp will complete its computer project as soon as possible. This has been a bungle for five years!

Housing: new technology

Mr JENKINS (Ballarat West) — I direct to the attention of the Minister for Housing the opportunity to rethink the type of housing used for the public sector. Mr Neville Cartlege, a master craftsman in the bricklaying industry in Ballarat and a great innovator, has developed a proposal and design for a solid brick house. Solid brick houses are nothing new, but with the use of modern technology they are now very competitive in cost with other types of housing.

There is a company that manufactures solid bricks in Ballarat — it is well known throughout Victoria — and Mr Cartlege suggests that a proposal should be developed to use double-faced bricks — that is, bricks with two clean sides — so that internal walls do not require any lining and yet are still attractive. With that in mind, will the minister ask the officers of her department to consider the use of that type of brick for public housing units?

I have inspected one of the homes developed for the private market by Mr Cartlege. He has come up with a very well-built product. He has managed to conceal the wiring and plumbing so that it is not on show, as it was with the old-style public housing. He has also included the use of colourbond spouting and a tiled roof, which means there is very little external maintenance required. Only the doors require painting because aluminium windows have been used for weather protection. The internal wet areas also require sheeting, proper painting and attention to detail. The interesting thing is that Mr Cartlege's innovation costs $1000 less than a normal 12 to 14-square standard brick-veneer home. This is an opportunity for the minister to introduce a cheap, well-built, maintenance-free structure into the housing system. I ask her to seriously consider the matter.

The ACTING SPEAKER (Mr Richardson) — Order! Before calling for responses, I refer to my earlier advice to the honourable member for Benambra that the matter raised should relate directly to the responsibility of the state and to a state minister. Page 10 of *Legislative Assembly of Victoria Rulings from the Chair 1920–1984* states:

> Matter must relate directly to responsibility of a state minister, not the object of a state minister referring to a federal minister.

Interestingly enough, that was one of Mr Speaker Plowman's rulings. Mr Speaker Delzoppo followed suit. I hope that clarifies the matter for honourable members.

Responses

Mrs HENDERSON (Minister for Housing) — The honourable member for Essendon raised with me priority housing in her electorate. I need to clarify a name because I could not hear over the noise. Did she say Soumelidis?

Mrs Maddigan — I will give you the details later.

Mrs HENDERSON — The honourable member raised with me three example of people in her electorate who have apparently been approved for priority housing and are having some difficulty in being relocated. The honourable member said that most of the people who are on the waiting list in her electorate for priority housing have some form of disability. I am grateful to her for that comment because it reconfirms for me the policy direction the government is taking in public housing. The move from a wait-turn list to a segmented waiting list is the right move.

One difficulty is that there will always be a waiting list for public housing because demand outstretches supply. One issue that concerns me and officers in my department is that although we have people on the waiting list we have no capacity to pick up the ones in greatest need. If are you are no. 30 000 on the waiting list, homeless or have a severe disability you will wait in turn.

Next year we move to a segmented waiting list to give priority to people in greatest need. I am grateful to the honourable member for Essendon for her reconfirmation of the dilemma in her electorate, too. Nearly 35 per cent of the people housed come from the priority waiting list. I will examine the three examples the honourable member for Essendon raised with me. I assure the honourable member that when we move to segmented waiting lists and implement other excellent fundamental reforms, we will start addressing some of the issues to which she referred that were also experienced when Labor was in government. The government has bitten the bullet and I believe it can make a better fist of it.

The honourable member for Ballarat West referred to an innovative idea that a builder in his electorate, Mr Cartlege, has come up with — namely, a double-faced brick, which has such a good finish that, after laying, no further interior work is required. I am grateful that the honourable member

has brought it to my attention. It is most timely. In the past the majority of the ministry's stock has come from spot purchases — in other words, the ministry moved away from a construction-based method of acquiring housing stock.

Recently I announced an important initiative by the Office of Housing. Earlier in October it called for expressions of interest from developers and builders to package land, design and construction. This will give the building industry an opportunity to present innovative designs and products such as the product mentioned by the honourable member for Ballarat West. Those house and land packages will provide a boost for the building industry. Over the next 18 months the government will commit more than $200 million to that initiative. I suggest the honourable member direct Mr Cartlege's attention to the government's call for expressions of interest. I am delighted with the response so far; we have received well in excess of 100.

I will provide the honourable member for Ballarat West with the name of a contact at the Office of Housing. We are always looking for new products. If what he says is correct and the new product achieves substantial savings, we look forward to hearing more about it. The government wants its housing stock to be acquired as efficiently as possible.

Mr REYNOLDS (Minister for Sport) — The honourable member for Dandenong referred to the reliability of Tabcorp's computer to accept the flood of bets expected on Melbourne Cup day. Because he seems to have a selective memory I will take him back through a little bit of history.

Mr Pandazopoulos interjected.

Mr REYNOLDS — Given the smug approach you take to the issue, you need a history lesson! The TAB was stripped of its assets by the chairman appointed by the previous Labor government. That is what happened — —

Mr Pandazopoulos interjected.

Mr REYNOLDS — The CRISP system was allowed to run down. On assuming government and appointing a new board, the coalition government found that some $14 million to $16 million had been wasted on working up a new computer and that under the Labor government there had been no coordination. Not only had that organisation been stripped of its assets but the computer was allowed to run down. Little coordination occurred when building the new computer and its reconstruction was eventually scrapped. The privatisation of the TAB means the government has no influence over what happens there — or has the honourable member for Dandenong not yet realised that?

Mr Pandazopoulos interjected.

Mr REYNOLDS — There is no government influence. The honourable member told the house that a year ago I was quoted as saying: 'No doubt Tabcorp would complete the work as soon as possible'.

Mr Pandazopoulos interjected.

Mr REYNOLDS — If you listen for a minute and stop interjecting, I will tell you what has been done!

The ACTING SPEAKER (Mr Richardson) — Order! The minister will address the Chair and the honourable member will cease interjecting.

Mr REYNOLDS — The honourable member for Dandenong said I was quoted on Channel 10 as saying I would not guarantee the computer would not break down. I cannot give that guarantee; anybody who gives such a guarantee would be living in Fairyland — although the honourable member would probably fit that bill because he lives in Fairyland!

I will take the honourable member through what has happened in the TAB during the past year; then he may be satisfied. The software has been repaired and tested extensively at a 20 per cent higher transaction rate than anything previously recorded in the actual working time of the computer. In addition, tests were successfully conducted at a level well above any previously recorded transaction rate. The repaired software has been in use for many months and has not broken down once. In the middle of this year the telephone betting facilities that were on the CRISP system in 1996 were removed to Tabcorp's new wagering computer system. That reduced the load on CRISP and provided a greater operating confidence.

In addition, Tabcorp intends to conduct a television and newspaper advertising campaign this weekend, in the lead-up to the Melbourne Cup, to encourage customers to place their bets on Monday — which is sensible and logical.

Furthermore — and the house may be interested in this — during Channel 10's telecast on Cup Day, a Holden Commodore car will be given away to some lucky customer who places his or her bet on cup eve. That is a strong encouragement by the private enterprise corporation, Tabcorp, not to have the computer system overwhelmed on Melbourne Cup Day.

It is anticipated the upgrading of Tabcorp's wagering system, which commenced in 1995–96, will be completed in the 1998–99 financial year. It would be irresponsible of me or anybody else to guarantee that a private company's computer will not break down. Such a commitment would be stupid. Fancy the honourable member or anybody else wanting me to give that guarantee! He needs to get into the real world.

Mrs HENDERSON (Minister for Housing) — The honourable member for Bundoora directed to the attention of the Minister for Conservation and Land Management the sewage discharge situation at Lorne. As the honourable member has since left the house, there is probably little I can say about that issue. I will pass it on to the minister.

The honourable member for Doncaster raised a matter for the attention of the Minister for Education about the Donburn Primary School. The honourable member for Doncaster has been heavily involved in that school, whose council and community wish to have a preschool facility integrated with it. They have gone to great lengths to draw up plans to establish a preschool at that primary school.

I will pass on to the Minister for Education the honourable member's request as to who should give permission to build. It is a great initiative for the school, and I am sure the Minister for Education will deal with it. I thank the honourable member for Doncaster for the work he has done with that primary school.

The honourable member for Footscray raised for the attention of the Minister for Education a matter of maintenance grants at the Sunshine North Primary School. I shall pass that matter on to the minister.

The honourable member for Yan Yean raised a matter for the attention of the Minister for Police and Emergency Services — there was a lot of noise in the chamber at the time — that arose as a result of an article published in the *Age* last Tuesday relating to claims of bribery. He also asked the minister to review arrangements for the witness protection program for internal investigations as a result of that article. I shall bring that to the attention of the minister.

The honourable member for Sandringham raised with the Minister for Education a matter regarding the Mentone Girls Secondary College, a school I was familiar with in my youth. He referred to the school's outstanding gymnasium and hall. The school council has established a building fund and developed plans for a new structure for the school site. The honourable member also raised matters about a neighbour of the school, a Mr Hocking. I will ask the minister to urgently examine that matter.

The honourable member for Benambra raised a matter for the attention of the Premier about the disadvantage to people in the north-east of Victoria in relation to the 02 telephone number prefix. The issue was raised as a result of a Small Business Victoria forum that was held on interactive multimedia in Wodonga. Some 30 to 40 businessmen and women attended the TAFE institute at Wodonga. It was obviously a matter of great concern because it was the only group at the conference that was not able to participate because people in the 02 telephone number prefix area cannot access the 1800 number. Obviously that is of great disadvantage to people in the Wodonga area.

At a personal level I had the pleasure of spending some time in the honourable member's electorate some weeks ago in my role as Minister responsible for Aboriginal Affairs. I had to telephone the ABC for an interview. I was given a number that had an 02 prefix and suggested they must have given me the wrong number. There was great confusion. I shall certainly pass on to the Premier that the honourable member for Benambra believes it is imperative that the Premier assist and perhaps intervene in the issue because it is clear that people in the 02 prefix area are disadvantaged, particularly now that we are moving into the use of more sophisticated technology and multimedia.

The honourable member for Rodney raised an issue for the Minister for Health in another place relating to psychiatric services in and around Kyabram. The honourable member gave a good background to the changes to the health boundaries. He particularly drew to the attention of the Minister for Health the fact that Goulburn Valley medical practitioners want to contract psychiatric services from the Shepparton area.

The honourable member for Rodney has asked the Minister for Health to give serious consideration to the proposals of those Kyabram doctors. They have put a case that I will pass on to the Minister for Health for his consideration. All honourable members know how important psychiatric services are. They are certainly very important to the people of Kyabram. That matter will be passed on to the Minister for Health for a direct response.

Motion agreed to.

House adjourned 6.01 p.m. until Tuesday, 11 November.